(SRI AZIZ SAIT)

happened there is, the Estate Officer who is also the Marshal, is not devoting sufficient attention. He is reckless and not responsive. The poor doctor wanted a stove and asked for the same. Till today he is not given a stove. Yesterday the Director of Health Services visited the General hostel. The doctors are not given the required facilities. We have noticed that neither Speaker nor the Deputy Speaker have ever visited General Hostel or Legislators' Home. The previous Speaker had a little courtesy to visit us in our places and enquire abous our welfare. I do not understand how things are managed in the Legislature Secretariat. You have an arrogant officer as an Estate Officer.

†Mr. DEPUTY SPEAKER.—I will enquire into it. We will now take up the Bill.

Mysore Excise (Seconed Amendment) Bill, 1970—

Consideration of Clauses

CLAUSE 2.

Sri T. R. SHAMANNA.—Sir, I have an amendment to Clause 2. I will move it.

> "That at page 3 in the proposed clause (11 A) the words 'Gulmohwa Cocoanut' shall be deleted."

Mr. DEPUTY SPEAKER.—Amendment moved.

> "That at page 3 in the proposed clause (11 A) the words 'Gulmohwa Cocoanut' shall be deleted."

† ಶ್ರೀ ಟಿ. ಆರ್. ಶಾಮಣ್ಣ.—ಮಾನ್ಯ ಸಭಾಪತಿಯವರೇ, ಈಗ ನಾನು ತಂದಿರತಕ್ಕ ತಿದ್ದುಪಡಿಯ ಉದ್ದೇಶ ಇಷ್ಟೆ, ಈಗ ಹೆಂಡ ಇಳಿಸುವುದಕ್ಕೆ ತೆಂಗಿನಮರಗಳನ್ನು ಹೆಚ್ಚಾಗಿ ಉಪಯೋಗಿಸುತ್ತಿದ್ದಾರೆ. ಇದ್ದಂಥ ಈಚಲಮರಗಳನ್ನೆಲ್ಲಾ ಕಡಿದುಹಾಕಿರುವುದರಿಂದ ಈಗ ತೆಂಗಿನ ಮರಗಳನ್ನೇ ಹೆಂಡ ಇಳಿಸುವುದಕ್ಕೆ ಉಪಯೋಗಿಸುತ್ತಿದ್ದಾರೆ. ಇದರಿಂದ ತೆಂಗಿನ ಕಾಯಿಯ ಬೆಲೆ ಜಾಸ್ತಿಯಾಗಿದೆ. ಜೊತೆಗೆ ಕೊಬ್ಬರಿಎಣ್ಣೆಯ ಬೆಲೆಯೂ ಕೂಡ ಜಾಸ್ತಿಯಾಗಿದೆ. ಇದರಿಂದ ಸಾಮಾನ್ಯ ನಾಗರೀಕರಿಗೆ ತೊಂದರೆಯಾಗಿದೆ. ಒಂದು ಕಡೆ ಸರ್ಕಾರದವರಿಗೆ ಲಾಭವಾಗುತ್ತಿದ್ದರೆ ಇನ್ನೊಂದು ಕಡೆ ನಾಗರೀಕರಿಗೆ ಇನ್‌ಡೈರೆಕ್ಟ್ ಆಗಿ ಹೆಚ್ಚಿನ ತೆರಿಗೆ ಬೀಳುತ್ತಿದೆ, ಆದ್ದರಿಂದ ಇನ್ನು ಮುಂದೆ ತೆಂಗಿನಮರದಿಂದ ಹೆಂಡ ಇಳಿಸುವ ಪದ್ಧತಿಯನ್ನು ತೆಗೆಯಬೇಕೆಂದು ಈ ಒಂದು ತಿದ್ದುಪಡಿಯನ್ನು ನಾನು ತಂದಿದ್ದೇನೆ. ಇದನ್ನು ಒಪ್ಪಿಕೊಳ್ಳಬೇಕೆಂದು ಮಾನ್ಯ ಮಂತ್ರಿಯವರನ್ನು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

† ಶ್ರೀ ರಾಮಕೃಷ್ಣ ಹೆಗಡೆ (ಹಣಕಾಸು ಯೋಜನೆ ಮತ್ತು ಯುವಜನ ಕಲ್ಯಾಣ ಶಾಖೆಗಳ ಮಂತ್ರಿಗಳು).—ಈ ತಿದ್ದುಪಡಿಯನ್ನು ಒಪ್ಪಿಕೊಳ್ಳುವುದಕ್ಕೆ ಸಾಧ್ಯವಿಲ್ಲವೆಂದು ಹೇಳುವುದಕ್ಕೆ ವಿಷಾದವಾಗುತ್ತದೆ. ತೆಂಗಿನಮರದಿಂದ ಟಾಡಿ ತೆಗೆಯುವುದಕ್ಕೆ ಅವಕಾಶ ಮಾಡಿಕೊಟ್ಟಿರುವುದರಿಂದ ತೆಂಗಿನಕಾಯಿಯ ಬೆಲೆ ಜಾಸ್ತಿಯಾಗಿದೆ ಎಂಬುದನ್ನು ಒಪ್ಪುವುದಕ್ಕಾಗುವುದಿಲ್ಲ. ಏಕೆಂದರೆ

ಇತರೇ ಜೀವನ ಅವಶ್ಯಕ ವಸ್ತುಗಳ ಬೆಲೆಯೂ ಕೂಡ ಹೆಚ್ಚಾಗಿದೆ. ತೆಂಗಿನಕಾಯಿಯ ಬೆಲೆ ಜಾಸ್ತಿಯಾಗಿರುವುದಕ್ಕೆ ಎಕ್ಸೈಜ್ ಆಕ್ಟ್ ಒಂದೇ ಕಾರಣವಲ್ಲ. ಕರಾವಳಿ ಜಿಲ್ಲೆಗಳಲ್ಲಿ ತೆಂಗಿನ ಮರದಿಂದ ಟಾಡಿಯನ್ನು ಇಳಿಸುವುದಕ್ಕೆ ಅವಕಾಶ ಕೊಡದಿದ್ದರೆ ಅಲ್ಲಿ ಟಾಡಿಗೆ ಬೇರೆ ಯಾವುದೇ ಮರ ಸಿಗುವುದಿಲ್ಲ. ತೆಂಗಿನ ಮರದಿಂದ ಟಾಡಿಯನ್ನು ಇಳಿಸುವ ಪದ್ಧತಿ ಇವತ್ತು ನೆನ್ನೆಯಿಂದ ಜಾರಿಗೆ ಬಂದಿಲ್ಲ. ಅನೇಕ ವರ್ಷಗಳಿಂದ ಈ ಪದ್ಧತಿ ಜಾರಿಯಲ್ಲಿದೆ. ಮತ್ತೊಂದು ವಿಚಾರ ವೆಂದರೆ ನಾವು ತೆಂಗಿನಮರದಿಂದ ಟಾಡಿ ತೆಗೆಯಬೇಕು ಎಂದು ಹೇಳುತ್ತಿಲ್ಲ, ಕರಾವಳಿ ಜಿಲ್ಲೆಗಳಲ್ಲಿರುವ ತೆಂಗಿನಮರಗಳು 100 ಕ್ಕೆ 100 ರಷ್ಟು ಖಾಸಗೀ ಜನರಿಗೆ ಸೇರಿದ ಮರಗಳಾಗಿವೆ. ಖಾಸಗೀ ಜನರ ಒಪ್ಪಿಗೆ ಪಡೆದು ಕಂಟ್ರಾಕ್ಟರ್‌ಗಳು ತೆಂಗಿನಮರದಿಂದ ಟಾಡಿಯನ್ನು ತೆಗೆಯುವುದಕ್ಕೆ ಪ್ರಯತ್ನ ಮಾಡುತ್ತಾರೆಯೇ ಹೊರತು ಅವರ ಒಪ್ಪಿಗೆ ಇಲ್ಲದೆ ಟಾಡಿ ತೆಗೆಯುವುದಕ್ಕೆ ಸಾಧ್ಯವೇ ಇಲ್ಲ. ಖಾಸಗೀ ಜನರ ವಶದಲ್ಲಿರುವ ತೆಂಗಿನಮರದಿಂದ ಟಾಡಿಯನ್ನು ಇಳಿಸುವುದಕ್ಕೆ ಕಂಟ್ರಾಕ್ಟುದಾರರು ಒಪ್ಪಂದ ಮಾಡಿಕೊಂಡಿದ್ದರೆ ಅದಕ್ಕೆ ತೊಂದರೆಯಾಗದಂತೆ ಈ ಕಾಯಿದೆಯಲ್ಲಿ ಒಂದು ಪ್ರಾವಿಜನ್ ಮಾಡಿದ್ದೇವೆ ಅಷ್ಟೆ.

[MR. SPEAKER in the Chair]

MR. SPEAKER.—The question is :

"That at paga 3 in the proposed clause (11-A) the words 'Gulmohwa Cocoanut', shall be deleted."

The amendment was negatived.

Now I will put Clause 2 to vote. The question is :

"That Clause 2 stand part of the Bill.

The motion was adopted.

Clause 2 was added to the Bill.

CLAUSE 3

MR. SPEAKER.—The question is :

"That Clause 3 do stand part of the Bill"

There is an amendment to Clause 3 by Sri M. Nagappa.

SRI M. NAGAPPA.—Sir, I beg to move :

"That at page 4, in the proposed section 4A for the words 'for such area or areas...notification' the words 'for each revenue district or part of district or for more than one district as may be specified in the notification' shall be substituted".

MR. SPEAKER.—Amendment moved :

"That at page 4, in the proposed section 4A for the words 'for such area or areas....notification' the words 'for each revenue district or part of district or for more then one district as may be specified in the notification' shall be substituted."

†Sri M. NAGAPPA.—I am giving one or two suggestions. The Clause as it is will be an anomalous. It will be an anomalous position if you say " for such area or areas." You please refer to Section 5 of the principal Act. This particular clause 3 is for the appointment of Excise Deputy Commissioners. Also please read clause 4, amendment of Section 5, according to you Government can appoint District Excise Officers and Assistant District Excise Officers. If we read sub-clause (2) of clause 5, the State Government may appoint (i) an officer as Superintendent of Excise for a district or part of a district or for more than one district, (ii) an officer as Deputy Superintendent of Excise for a district or part of a district or for more than district, to exercise such powers as the Government may direct; In the Principal Act, " Deputy Commissioner " means any person appointed under section 4 to exercise the powers and to perform the duties of a Deputy Commissioner under this Act and where no such person is appointed, the Deputy Commissioner of the revenue District. If you are not going to appoint a Deputy Commissioner, it will be very anomalous and if you do not say 'district' also, it will be anomalous. In fact it is in consonance with the principle of the Government and my amendment will create uniformity. This is a suitable amendment. I hope the Government will accept it.

Sri RAMAKRISHNA HEGDE.—The apprehension of the hon. Member is not justified at all. If no Special Deputy Commissioner, that is a Deputy Commissioner of Excise, is appointed there is no question of anomaly, because the Deputy Commissioner of the Revenue District will be the Deputy Commissioner. It is only for other officers. Now when it is felt necessary to appoint a Deputy Commissioner for Excise, and that necessity may not arise simultaneously all over the State in all districts, we might appoint a Special Deputy Commissioner in charge of Excise in a District like Bangalore. And if the District as a whole is too big a charge, we can split the District into two and if the District is too light a charge we can combine more areas consisting of more than one district. Therefore, this provision has been made.

Mr. SPEAKER.—Now I will put the amendment to vote.

The question is :

'That at page 4, in the proposed section 4A for the words "for such area or areas...notification" the words 'for each revenue district or part of district or for more than one district as may be specified in the notification' shall be substituted. "

The amendment was negatived.

Now I will put clause 3 to vote. The question is :

"That clause 3 do stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

CLAUSE 4

Mr. SPEAKER.— The question is :

"That clause 4 do stand part of the Bill."

There is an amendment to clause 4 by Sri M. Nagappa.

Sri M. NAGAPPA.— Sir, I beg to move :

"That for sub-section (1) of Section 5 of the principal Act proposed to be amended the following shall be substituted:

"5. Appointment of Superintendents of Excise and Deputy Superintendents of Excise :—

"(1) The State Government way appoint an officer as Superintendent of Excise for a district or part of a district to exercise such powers and perform such duties, in subordination to Deputy Commissioner or Deputy Commissioner, Excise, as the case may be subject to such control as the State Government may direct."

Mr. SPEAKER.— Amendment moved :

"That for sub-section (1) of Section 5 of the Principal Act proposed to be amended the following shall be substituted"

"5. Appointment of Superintendents of Excise and Deputy Superintendents of Excise :—

(1) The State Government may appoint an officer as Superintendent of Excise for a district or part of a district to exercise such powers and perform such duties, in subordination to Deputy Commissioner or Deputy Commissioner, Excise, as the case may be subject to such control as the State Government may direct."

†Sri M. NAGAPPA.— Sir, I think my amendment follows the Government amendment. It is a simple amendment that I want to introduce. The Excise Superintendent is put on par with the Deputy Commissioner of the district; he is put in the same category according to the new amendment of Section 5. I have tried to avoid that by this amendment. The Government cannot put the Deputy Commissioner vested with the powers of the district and the Superintendent of Excise on par with him, as according to the clause in the Bill the Superintendent of Excise is not supposed to be subordinate to the Deputy Commissioner. Therefore I think the amendment suggested by me is proper.

11-00 A.M.

Sri RAMAKRISHNA HEGDE.—I am sorry the hon. Member does not seem to have studied his own amendment carefully. No subordinate officer appointed by the state Government can exercise any powers independently. The Excise Commissioner is the only authority

(SRI RAMAKRISHNA HEGDE)

recognised under this Act, but for convenience of administration he can delegate from time to time certain powers to subordinate officers. But according to this amendment the Excise Commissioner is completely out of the picture. It is not a healthy practice in Government administration.

Mr. SPEAKER.— The question is:

"that for sub-section (1) of section 5 of the principal Act proposed to be amended the following shall be substituted:

" 5. *Appointment of Superintendents of Excise and Deputy Superintendents of Excise*:—(1) The State Government may appoint an Officer as Superintendent of Excise for a district or part of a district to exercise such powers and perform such duties, in subordination to Deputy Commissioner or Deputy Commissioner Excise, as the case may be, subject to such control as the State Government may direct."

The amendment was negatived.

Mr. SPEAKER.—The question is:

" That clause 4 do stand part of the Bill."

The motion was adopted.

" Clause 4 was added to the Bill.

CLAUSE 5.

Mr. SPEAKER.—The question is:

" That Clause 5 do stand part of the Bill."

Sri M. NAGAPPA.—I beg to move the following amendment:

"that at page 5, the words "of an excise Officer" shall be deleted."

Mr. SPEAKER.—Amendment moved:

"that at page 5, the words of an excise Officer" shall be deleted."

Sri K. H. SRINIVAS (Sagar).—I beg to move:

" that in Sub-section (1) of the new section 5A for the words 'and consisting of' the words 'and consisting of a Deputy Commissioner of Excise and' shall be substituted."

Mr. SPEAKER.—Amendment moved:

"that in sub-section (1) of the new section 5A for the words and consisting of' the words 'and consisting of a Deputy Commissioner of Excise and' shall be substituted."

† Sri M. NAGAPPA.—If we read sub-clause (2) of sub-section (2) of the proposed new section 5A it gives no meaning. It reads: "The State Government may appoint an officer as Deputy Superintendent of Excise (Intelligence Bureau) for a district or part of a district or for more than one district to exercise the powers relating to detection, investigation and trial of offences under the Act, and to perform such duties and functions of an Excise Officer as the Excise Commissioner may direct subject to such rules as may be prescribed." Excise Officer as defined in the principal Act means Excise Commissioner, a Deputy Commissioner or any officer or other person lawfully appointed or invested with powers under section 5 or 6. If we read this definition and if we also see the officers who are going to be appointed under this section, namely, Superintendent of Excise (Intelligence Bureau) and Deputy Superintendent of Excise (Intelligence Bureau), the words 'Excise Officer' have no meaning or it gives a different meaning. Therefore, I hope Government will accept my amendment to clause 5.

† Sri K. H. SRINIVAS.—Sir, proposed section 5A deals with the constitution of Intelligence Bureau. Intelligence Bureau has already been constituted by executive order as mentioned in the Statement of Objects and Reasons. This section only intends to give statutory status to the Intelligence Bureau. I understand that in the existing intelligence Bureau constituted under executive order the post of Deputy Commissioner is also there. In the present framework of the Bureau the Deputy Commissioner occupies a high place and plays an important role. So in my amendment I have provided for the post of Deputy Commissioner. I hope my amendment will be accepted unless it is the intention of Government to discontinue the post of Deputy Commissioner.

†Sri RAMAKRISHNA HEGDE.—In regard to the amendment moved by the hon. Member Sri Nagappa I have to say only this much. While his contention appears to be that since the term "Excise Officer" is defined and includes Excise Commissioner and other subordinate officers, that term need not find a place in this clause. Precisely for that reason, it is necessary, because Excise Officer means according to this definition not only the officer of Excise or Deputy Commissioner of Excise but also the Excise Commissioner, and whenever certain authority is delegated it need not be always from the Excise Commissioner down to the lowest officer. The Deputy Commissioner also can delegate. Therefore, it would be always safe to specify in this clause what the term "Excise Officer" means and it is necessary for this purpose. In regard to the amendment moved by the hon. Member Sri Srinivas I will have to admit that there was a lacuna which the hon. Member has found and I am very happy to accept the amendment.

Mr. SPEAKER.—I shall put the amendment of Sri Nagappa first: The question is:

"That at page 5, the words 'of an Excise Officer' shall be deleted."

The amendment was negatived.

I shall now put the amendment of Sri Srinivas. The question is:

"That in sub-section (1) of the new section 5A, for the words 'and consisting of' the words 'and consisting of a Deputy Commissioner of Excise and' shall be substituted."

The amendment was adopted.

Mr. SPEAKER.—The question is:

"That clause 5, as amended, do stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

CLAUSE 6

Mr. SPEAKER.—The question is:

"That Clause 6 do Stand Part of the Bill."

Sri M. NAGAPPA.—I beg to move the following amendment:

"That at page 5, in section 6 of the principal Act the following words shall be inserted at the end of sub-section (1) proposed to be amended: "as the Excise Commissioner may direct subject to such rules as may be prescribed."

Mr. SPEAKER.—Amendment moved:

"That at page 5, in section 6 of the principal Act the following words shall be inserted at the end of sub-section (1) proposed to be amended: "as the Excise Commissioner may direct subject to such rules as may be prescribed".

Sri M. NAGAPPA.—The amendment is self-explanatory and I do not want to say anything.

Sri RAMAKRISHNA HEGDE.—I am sorry I am unable to accept this amendment.

Mr. SPEAKER.—Then I put it to the vote the question is:

"That at page 5, in section 6 of the principal Act, the following words shall be inserted at the end of sub-section (1) proposed to be amended: "as the Excise Commissioner may direct subject to such rules as may be prescribed."

The amendment was negatived.

Now the main clause. The question is:

"That clause 6 do stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

CLAUSE 7

Mr. SPEAKER.—The question is:

"That Clause 7 do stand part of this Bill"

There are a number of amendements in the names of Sri Aithal, Sri Nagappa, Sri Shamanna and Sri Srinivas. They may be moved.

Sri P. V. AITHAL.—I do not propose to move my amendment.

Sri M. NAGAPPA.—I beg to move:

"That at page 6, for sub-section (2) of section 17 of the principal Act, proposed to be substituted the following shall be substituted:

"(2) the licensing authority may grant to a lessee under sub-section (1) or a transferee under sub-section (1A), a licence in the terms of his lease; and when there is no condition in the lease, which prohibits sub-letting may on the application of the lessee or a transferee grant licences to any sub-lessee approved by such authority".

"That at page 6, in the proposed sub-section 3(a) of section 17 of the principal Act, after the words 'by the lessee' the words 'or the transferee' shall be inserted."

"That at page 6, in the proposed sub-section 3(b) line 2 of section 17 of the principal Act after the words 'by the lessee' the words 'or the transferee' and in line 4, after the words 'implied permission of the lessee' the words, 'or the transferee as the case may be' shall be inserted."

"That at page 6, in the proposed sub-section 3(c) of section 17 of the principal Act, after the words 'if the lessee' the words 'or the transferee' shall be inserted."

Mr. SPEAKER.—Amendment moved:

"That at page 6, for sub-section 2 of Section 17 of the Principle Act, proposed to be substituted the following shall be substituted:

"(2) the licensing authority may grant to a lessee under sub-section (1) or a transferee under sub-section (1A), a licence

(MR. SPEAKER) :

in the terms of his lease ; and when there is no condition in the lease, which prohibits sub-letting may on the application of the lessee or a transferee grant licences to any sub-lessee approved by such authority."

"That at page 6, in the proposed Sub-section 3(a) of section 17 of the Principle Act, after the words 'by the lessee' the words 'or the transferee' shall be inserted.

"That at page 6, in the proposed Sub-section 3(b) line 2, of Section 17 of the Principal Act after the words 'by the lessee' the words 'or the transferee' and in line 4, after the words 'implied permission of the lessee' the words 'or the transferee as the case may be' shall be inserted.

"That at page 6, in the proposed Sub-section 3(c) of Section 17 of the Principal Act, after the words 'if the lessee' the words 'or the transferee' shall be inserted."

Sri T. R. SHAMANNA.—Sir, I beg to move :

"That at page 6 after the proposed sub-section (3) of Section 17 the following sub-section shall be added :

"4. If there is any unauthorised sub-lease the Government will have power to cancel the contract to the lessee and forfeit the deposit and make the lessee to pay the loss if any sustained by the Government by reallotting the contract to another lessee."

Mr. SPEAKER.—Amendment moved :

"That at page 6 after the proposed sub-section (3) of section 17 the following sub-section shall be added :

"4. If there is any unauthorised sub-lease the Government will have power to cancel the contract to the lessee and forfeit the deposit and make the lessee to pay the loss if any sustained by the Government by reallotting the contract to another lessee."

Sri K. H. SRINIVASA.—Sir, I beg to move :

"That at page 6 after the proposed sub-section (3) of section 17 the following sub-section shall be added :

"(4) Where a lease is determined under clause (a), (b) or (c) of sub-section (3), the State Government may direct the Deputy Commissioner, to take the right under his management and to lease it again by re-sale or otherwise ; and if on such management or re-sale, the amount realised is less than the amount payable under the lease which was determined, the loss shall be payable by the person whose lease was determined".

Mr. SPEAKER.—Amendment moved :

"That at page 6 after the proposed sub-section (3) of Section 17 the following sub-section shall be added :—

"(4) Where a lease is determined under clause (a), (b) or (c) of sub-section (3), the State Government may direct the Deputy Commissioner, to take the right under his management and to lease it again by re-sale or otherwise and if on such management or re-sale, the amount realised is less than the amount payable under the lease which was determined, the loss shall be payable by the person whose lease was determined."

† Sri M. NAGAPPA.—Sir, the Government intends to sub-lease the contract by providing sub-section (1) (a) to Section 17, which says :

"(1A) No lease granted under sub-section (1) shall be transferred :

"Provided that the State Government may grant permission to the lessee to transfer the lease or a part thereof, in favour of any other person subject to such terms and conditions (including the transferee, entering into an agreement of lease with the State Government... "

The words in brackets are very important. It means that the third person, a transferee from original lessee has to give an agreement. He stands on par with the original lessee. If we read the subsequent provisions under sub-section (2) and (3), the words are missing about the transferee. All the conditions that are laid down under sub sections (2) and (3) are not with reference to transferee, who has come in the shoe of the first lessee. Therefore without adding this amendment to sub-sections (2) and (3) of Section 17, it would be meaningless. Therefore, I request the Government to accept my amendments.

Sri T. R. SHAMANNA.—Sir, I am quite sure that the Government, however logical and useful the amendments moved by the Opposition are, would not accept them. Still, I wish to say a few words.

† Sri RAMAKRISHNA HEGDE.—Sir, I agree with the basic suggestion made by the hon. Member Sri T. R. Shamanna. But, it was not legally absolutely accurate. Therefore, taking the suggestion from him I requested the hon. Member Sri K. H. Srinivasa, to put it in a better and a more legal form. There is absolutely no basis for Sri T. R. Shamanna to say that any amendment from the Opposition will never be accepted.

Sri T. R. SHAMANNA.—Sir, the object of my bringing this amendment is only this. You know in the toddy auction there is going to be a monopolistic tendency where a ring is formed and a person who is influential and who is financially sound, unreasonably earns and amass as huge wealth by taking the contract and sub-leasing it to a number of people, thereby the revenue that is legitimately due to the Government, will be

(SRI T. R. SHAMANNA)

reduced. Furthermore many of the poor contractors who would like to a take a shop in their locality will be made to pay some extra amount to the main contractor apart from what they have to pay to the Government and thereby they will be put to heavy loss. With a view to see that the Government may come in direct contact with persons who run the toddy shops and with a view to see that the petty contractors are also made to survive, I have moved this amendment and I request the Hon. Minister and the House to accept my amendment.

SRI K. H. SRINIVASA.—Section 17 of the prinicipal Act in its sub-section (3) provides the conlitions when the lease can be determined. It provides that if any duty or fee payable by the lessee is not duly paid or in the event of breach of any term or condition of the lease by the lessee or any of his servants or any person acting on behalf of or under the express or implied permission of the lessee; or if the lessee becomes incapable of carrying on the business, they are the circumstances for the determination of a lease. But, neither the principal Act nor this amending Bill specifically provides for the procedure that has to be adopted after a particular lease is determined. Therefore, I quite agree with the principle suggested by the hon. Member Sri T. R. Shamanna in his amendment, I have only tried to make it more general and also specific. I have, in my amendment, provided for in general terms the exact procedure that has to be followed once the lease becomes terminable in accordance with sub-section (3) of Section 17 of the Principal Act. I feel that my amendment will be accepted by the Government so as to provide for this matter in very general and spicific terms.

SRI RAMAKRISHNA HEGDE.—This amendment in clause 7 has been actually introduced with a view to safeguard the interests of the Government. In regard to the amendment suggested by Sri Nagappa, I have to say only this; he forgets that once a transfer takes place the transferee becomes immediately the lessee. Therefore, it is not necessary to provide in this clause for a transferee, because as soon as the act transfer is completed, the transferee is no more a transferee, but is actually the lessee.

In regard to the amendment of Sri Shamanna, I have already stated that in principle I have accepted it. But the amendment moved by Sri Srinivas is more comprehensive and it is in a better form. The criticism made by Sri Shamanna is baseless. He says only a few people can take contract. The House is aware the Government has got some procedures to be followed. During the last two years, the combination of Districts has been discontinued in respect of arrack. Even the District as a unit has been discontinued. In respect of toddy, the District as a unit, is auctioned. In the excise auction the only thing the Government has to see is how best we can increase our revenue.

That is the only criteria that has to determine the excise auction. If any Hon. Member says that the Government should adopt socialistic pattern, I beg to differ from him because we cannot bring any socialism through this. Everybody is free to bid and nobody has any restriction. Therefore his allegation that only a certain class of contrctors stand to benifit, is beseless.

SRI M. NAGAPPA.—May I know why Section 17 has been amended? What is the propriety of the Government to amend Section 17 (1) of the Act ? No sooner he enters into an agrrement he will become the lessee and he should not transfer the lease granted to him.

SRI RAMAKRISHNA HEGDE.—Formerly there was no such provision for banning any transfer. Now specifically transfers are prohibited except under certain conditions.

MR. SPEAKER.—If any Hon. Member wants to withdrw his amendments, he may do so. I shall put all the amendments to the Vote. The question is :

"That at page 6, for Sub-section 2 of Section 17 of the Principal Act, proposed to be substituted the following shall be substituted :

"(2) The licensing authority may grant to a lessee under Sub-section (1) or a transferee under Sub-section(1A), a licence in the tems of his lease ; and when there is no condition in the lease, which prohibits sub-letting may on the application of the lessee or a transferee grant licences to any sub-lessee approved by such authority. "

2 That at page 6, in the proposed Sub-section 3 (a) of Section 17 of the Principal Act, after the words 'by the lessee' the words 'or the transferee' shall be inserted."

3 "That page 6, in the proposed Sub-Section 3 (b) line 2, of Section 17 of the Principal Act, after the words 'by the lessee' the words 'or the transferee' and in line 4, after the words 'implied permission of the lessee' the words 'or the transferee as the case may be' shall be inserted. "

4 "That at page 6, in the proposed Sub-Section 3 (c) of Section 17 of the Principal Act, after the words 'if the Lessee' the words 'or the transferee' shall be inserted."

The amendments were negatived.

Now, amendment by Sri T. R. Shamanna will be put to Vote. The question is :

"That at page 6 after the proposed Sub-section (3) of Section 17 the following Sub-section shall be added :

4 "If there is any unauthorised Sub-lease the Government will have power to cancel the contract to the lessee and forfeit the

(MR. SPEAKER)

deposit and make the lessee to pay the loss if any sustained by the Government by reallotting the contract to another lessee."

The amendment was negatived.

I shall put the amendment by Sri K. H. Srinivas.

The question is :

"That at page 6 after the proposed Sub-section (3) of Section 17 the following sub-section shall be added :

"(4) Where a lease is determined under clause (a), (b) or (c) of Sub-Section (3), the State Government may direct the Deputy Commissioner, to take the right under his management and to lease it again by re-sale or otherwise ; and if on such management or re-sale, the amount realised is less than the amount payable under the lease which was determined, the loss shall be payable by the person whose lease was determined."

The amendment was adopted.

Mr. SPEAKER.—The question is :

"That clause 7, as amended, do stand part of the Bill."

The motion was adopted.

Clause 7 as amended was added to the Bill.

CLAUSE 8

Mr. SPEAKER.—The question is :

"That clause 8 do stand part of the Bill"

The motion was adopted.

Clause 8 was added to the Bill.

CLAUSE 9 to 11

Mr. CHAIRMAN.—The question is :

"That clauses 9 to 11 both inclusive do stand part of the Bill."

The motion was adopted.

Clause 9 to 11, both inclusive, were added to the Bill

CLAUSE 12.

Mr. SPEAKER.—Th question is:

" That clause 12 do stand part of the Bill.

Sri T. R. SHAMANNA.—Sir, I beg to move:

"That at page 8 in the proposed section 45-A, line 7 for the words 'a Penalty not exceeding two hundred rupees.' the words 'a penalty not exceeding one thousand rupees' shall be inserted."

Mr. SPEAKER.—Amendment moved:

"That at page 8 in the proposed Section 45-A, line 7 for the words 'a penalty not exceding two hundred rupees' the words 'a penalty not exceeding one thousand rupees 'shall be inserted'."

Sri T. R. SHAMANNA.—Now, Sir, the illicit drink is causing a great havoc particularly in the poorer sections of the people. These licence holders are making big business in the locality of the poor people. These people by encouraging illicit drinking, will spoil the health of the poor people. The Revenue of the Government will also be considerably reduced. Under these circumstances, I request the penalty may be increased to a thousand rupees. By increasing the penalty, the production of illict liquor could be checked.

Sri RAMAKRISHNA HEGDE. —I have no objection to accept this amendment. The only thing is there has been a difference of opinion among the members on the other side about the powers vested with the Excise Officers. Yesterday, Sri Aithal made a big statement about this matter.

The hon. Member described the powers vested in the officers as arbitrary. Sir, it is true that unless the Excise Officers are given sufficient powers to impose fine, etc., the illicit distillation cannot be completely checked. With that view, I accept the amendment of the hon. member.

11-30 A.M.

Mr. SPEAKER.—Now, I shall put the amendment moved by hon. Member Sri Shamanna to the House. The question is:

"That at page 8 in the proposed Section 45-A, line 7, for the words 'a Penalty not exceeding two hundred rupees' the words 'a penalty not exceeding one thousand rupees' shall be inserted."

The amendment was adopted

(Mr. Speaker)

Now, I shall put clause 12, as amended, to the vote of the House. The question is :

"That clause 12, as amended do stand part of the Bill.".

The motion was adopted

Clause 12, as amended, was added to the Bill.

Sri AZIZ SAIT.—Sir, I am sorry to say that no voice of 'Ayes' is heard. The responsibility cast upon the Members of the Treasury benches is that they should be more alert and more responsible. They should feel sorry for not voicing 'Ayes' when the motion was put to vote.

Mr. SPEAKER.—I agree with the hon. Member, that members should be more alert. but, if the assessment of voice vote is incorrect, the remedy lies in asking for a division.

CLAUSES 13 TO 17

Mr. SPEAKER.—Now, I shall put clauses 13 to 17 to the vote of the House. The question is :

"That clauses 13 to 17, both inclusive, do stand part of the Bill."

The motion was adopted

Clauses 13 to 17, both inclusive, were added to the Bill.

CLAUSE 18

Mr. SPEAKER.—The question is:

"That clause 18 do stand part of the Bill."

There is an amendment to clause 18 by hon. Member Sri Nagappa

Sri M. NAGAPPA.—Sir, I move :

"That at page 10, in the proposed Section 59-A, lines 4 and 5, after the words 'and analysis of intoxicants and materials' the words 'who has an experience for three years in examination or analysis of intoxicants and materials' shall be inserted."

Mr. SPEAKER.—Amendment moved :

"That at page 10, in the proposed Section 59-A, lines 4 and 5, after the words 'and analysis of intoxicants and materials' the words 'who has an experience for three years in examination or analysis of intoxicants and materials' shall be inserted."

† ಶ್ರೀ ಎಂ. ನಾಗಪ್ಪ.—ಸ್ವಾಮಿ, ನಾನು ತಂದಿರುವ ತಿದ್ದುಪಡಿ ಕ್ರಿಮಿನಲ್ ಪ್ರೊಸೀಜರು ಕೋಡಿನ ಸೆಕ್ಷನ್ 510 ರಲ್ಲಿ ಅನಾಲಿಸಸ್ ಬಗ್ಗೆ ಏನು ಹೇಳಿದ್ದಾರೋ ಅದನ್ನು ಅನುಸರಿಸಿ ಇದೆ. ಈ ಸೆಕ್ಷನ್ನಿನಂತೆ ಕೆಮಿಕಲ್ ಅನಾಲಿಸಸ್ ಬಗ್ಗೆ ಸೀರೋಲಾಜಿಸ್ಟ್‌ನ ರಿಪೋರ್ಟ್ ಏನು ಕೊಡುತ್ತಾರೆ ಅದು ಕೋರ್ಟಿನ ಮುಂದೆ ಬರುತ್ತದೆ. ಹೀಗಿರುವಾಗ ಇಲ್ಲಿ ಒಬ್ಬರು ಎಕ್ಸೈಜು ಇನ್ಸ್‌ಪೆಕ್ಟರ್ ರವರು ಕೊಟ್ಟ ಸರ್ಟಿಫಿಕೇಟು ಕೋರ್ಟಿನಲ್ಲಿ ಎವಿಡೆನ್ಸ್ ಆಗಿ ತೆಗೆದುಕೊಳ್ಳಬೇಕು ಎಂದು ಇಲ್ಲಿ ತಂದಿರುವ ತಿದ್ದುಪಡಿಯ ಉದ್ದೇಶವಾಗಿದೆ. ಇಲ್ಲಿ ಹೇಳಿರುವಂತೆ ಇನ್ಸ್‌ಪೆಕ್ಟರ್ ಆಫ್ ಎಕ್ಸೈಜು ಎನ್ನುವವರಿಗೆ ಇರಬೇಕಾದ ಕ್ವಾಲಿಫಿಕೇಷನ್‌ಗಳಾದರೂ ಏನು ಮತ್ತು ಇವರಿಗೆ ಇನ್ನೇನು ವಿಶೇಷ ಅನುಭವಗಳು ಇರಬೇಕು ಎನ್ನುವ ಷರತ್ತುಗಳು ಒಂದನ್ನೂ ಇದರಲ್ಲಿ ಹೇಳಿಲ್ಲ. ಇವರು ಕೊಡುವ ಸರ್ಟಿಫಿಕೇಟಿನ ಆಧಾರದ ಮೇಲೆ ಡಿಪಾರ್ಟ್‌ಮೆಂಟಿನ ಮೇಲಧಿಕಾರಿಗಳು ಶಿಕ್ಷೆಯನ್ನು ವಿಧಿಸಬೇಕಾಗುತ್ತದೆ. ಕ್ರಿಮಿನಲ್ ಪ್ರೊಸೀಜರು ಕೋಡಿನ ಸೆಕ್ಷನ್ 510ರಲ್ಲಿ ಇರುವುದನ್ನು ಏತಕ್ಕೆ ಅನುಸರಿಸಬಾರದು? ಇಲಾಖೆಯ ಅಧಿಕಾರಿಗಳಿಗೆ ಸರ್ಟಿಫಿಕೇಟು ಕೊಡುವುದಾದರೆ ಇದರಿಂದ ಹೆಚ್ಚು ಅನುಕೂಲ ದೊರಕುವುದಿಲ್ಲ. ಕೆಮಿಕಲ್ ಅನಾಲಿಸಸ್ ಟೆಸ್ಟ್ ಸರಿಯಾಗಿ ಆಗುವುದಿಲ್ಲ. ಮತ್ತು ಕೋರ್ಟಿನಲ್ಲಿ ಕೂಡ ಇವರು ಕೊಡುವ ಸರ್ಟಿಫಿಕೇಟಿಗೆ ಅಷ್ಟು ಮಹತ್ವ ಬರುವುದಿಲ್ಲ. ಆದುದರಿಂದ ಮೂಲಭೂತವಾಗಿ ನಾನು ಈ ಕ್ಲಾಸನ್ನೇ ವಿರೋಧಿಸುತ್ತೇನೆ. ಸರಕಾರದವರಿಗೆ ಇದು ಇರಲೇಬೇಕು ಎಂದು ಉದ್ದೇಶ ಇದ್ದರೆ, ಕನಿಷ್ಟ ಮೂರು ವರ್ಷಗಳ ಅನುಭವವಾದರೂ ಈ ಅಧಿಕಾರಿಗೆ ಇರಬೇಕೆಂದು ನಾನು ನನ್ನ ತಿದ್ದುಪಡಿಯ ಮೂಲಕ ಸಲಹೆ ಮಾಡುತ್ತಿದ್ದೇನೆ. ಇವನ್ನೆಲ್ಲಾ ಮೆಡಿಕಲ್ ಆಫೀಸರುಗಳಾಗಿರುವವರು ಟೆಸ್ಟ್ ಮಾಡಬೇಕಾಗುತ್ತದೆ. ಆದುದರಿಂದ ಈ ಕ್ಲಾಸನ್ನು ವಾಪಸ್ಸು ತೆಗೆದುಕೊಳ್ಳಬೇಕು. ಹಾಗಿಲ್ಲದಿದ್ದರೆ ನಾನು ಹೇಳಿದಂತೆ ಮೂರು ವರ್ಷಗಳ ಅವಧಿಯಷ್ಟು ಇವರಿಗೆ ಅನುಭವ ಇರಬೇಕೆಂದು ನಾನು ಇಲ್ಲಿ ತಂದಿರುವ ತಿದ್ದುಪಡಿಯನ್ನು ಸರಕಾರದವರು ಒಪ್ಪಬೇಕು.

Sri C.K. RAJAIAH SHETTY.—Sir, in support of the amendment moved by hon. Member Sri M. Nagappa, I would like to state, that most of the Excise Inspectors are mere matriculates. I do not know how the Hon. Minister defends that the Excise Inspectors could give a certificate on a matter which is quite technical in nature. In these days, sometimes even the Chemists are not in a position to face the courts. I therefore request the Hon. Minister to withdraw the amendment proposed in the amending Bill.

Sri RAMAKRISHNA HEGDE.—Sir, there is no need to withdraw the amendment.

†Sri D. B. KALMANKAR. (Aland).—Sir, the proposed amendment is liable to be abused. Most of the provisions of this amendieg Bill are of the same type. They are against sound canons of law. These powers are being given to small officers who are liable to abuse them. As it is, we see that the existing Sub-Inspectors at taluk level and Inspectors are giving only false cases. They are in league with illicit distillers. In my opinion, false cases are being launched with the result that poor people are suffering. Even when a Medical Officer or some expert gives a certificate, he has to go before the court and give evidence. If a person does not make an application, a certificate issued by such an Inspector will be taken as conclusive proof. Therefore, there is scope for mischief. There are provisions in the Criminal Procedure Code and as rightly stated by my friend Sri Nagappa it require a lot of special study in that particular branch of law. Also as rightly pointed by Sri Rajaiah Shetty, they do not stand the test of cross examination before the court. So, when people who do not know

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anything of law are given such powers, it will not be in the interest of the litigants and the common man. There is lot of scope for abuse of power. Taking all these facts into consideration, the Hon. Minister must take back this amendment.

SRI RAMAKRISHNA HEGDE.—Whether this particular amendment is in accordance with the canons of law or not, it is not for us to judge; it is the courts which will take the decision. The hon. Members who opposed this provision have forgotten one fact, *viz.*, that the certificate given by the Excise Inspector who will of course be specially trained for this purpose will not *ipso facto* be conclusive proof. The court may call the Excise Inspector and subject him to cross-examination. This provision is unlike the provision in the Criminal Procedure Code under Section 510 where any certificate given by any expert is conclusive proof.

The other point which I wanted to bring to the notice of the hon. Members is that it is either liquor illicitly manufactured or held in store against law. I do not know why the hon. Members have so much of sympathy for these people who day in and day out indulge in violating the law.

Thirdly, if this amendment is accepted, then we will have to wait for three years. Even after three year's training, what is the guarantee that everyone who is trained will be such a good expert in this? Ultimately, it depends upon the quality of the person.

There are a very large number of cases pending before the court and the delay in the disposal of these cases is mainly due to the delay in chemical examination of these liquors or other articles confiscated. Therefore, with a view to removing this delay it is necessary to amend this and I request the House to accept the clause as it is:

MR. SPEAKER.—The question is:

"That at page 10, in the proposed Section 59A, line 4 & 5, after the words 'the analysis of intoxicants and materials' the words 'who has an experience for three years in examination or analysis of intoxicants and materials' shall be inserted."

The amendment was negatived.

The question is:

"That clause 18 do stand part of the Bill."

The motion was adopted.

Clause 18 was added to the Bill.

CLAUSE 19

Mr. SPEAKER.—The question is :

"That clause 19 do stand part of the Bill."

The motion was adopted.

Clause 19 was added to the Bill.

CLAUSE 20

Mr. SPEAKER.—The question is :

"That clause 20 do stand part of the Bill.

(*Sri K. H. Srinivas rose*)

Sri M. NAGAPPA.—I rise on a point of order, Sir. He take it that it is a negative amendment or an amendment which is redundant. If the clause is voted down, it is sufficient.

Sri RAMAKRISHNA HEGDE.—If it is voted down, the position in the original Act will stand. But what would happen to the acts or decision taken by the Government during the period from the issue of the ordinance to the passage of this Bill?

But if any decision has been taken or any act has been done in pursuance of the provisions of the Ordinance, then it would become practically null and void. It is only with a view to safeguard that I have moved this amendment specially.

Sri M. NAGAPPA.—Sir, clause 15 is there. To save all these things, clause 25 says :

"25. Repeal of Mysore Ordinance No. 4 of 1970 :

The Mysore Excise (Second Amendment) Ordinance, 1970 (Mysore Ordiannce No. 4 of 1970) is hereby repealed :

Provided that anything done or any action taken under the Principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the Principal Act as amended by this Act."

Therefore, by adopting this clause 25, whatever action taken under the Ordinance is saved. It will not come in the way as suggested by the Hon. Minister. Therefore, I say, this being a redundant clause, and a negative amendment, that may not be allowed to be moved on the floor of the House, Sir.

Mr. SPEAKER.—I have permitted the amendment.

Sri K. H. SRINIVAS.—Sir, I move:

"That in clause 20, for the new clause (b) of section 67, the following clause shall be substituted, namely:

"(b) exempt any intoxicant from any of the provisions of this Act, other than those of Chapter V, in any specified area or for any specified period or occasion."

Mr. SPEAKER.—Amendment moved:

"That in clause 20, for the new clause (b) of section 67, the following clause shall be substituted, namely:

"(b) exempt any intoxicat from any of the provisions of this Act, other than those of Chapter V, in any specified area or for any specified period or occasion."

† Sri K. H. SRINIVAS.—Sir, I have moved this amendment. I agree with my Hon. friend Sri Nagappa that my amendment is nothing but the original sub-section (b) of Section 67. But I do not agree that this is redundant and unnecessary, because this is proposed to clause (b) of section 67 which has been part and parcel of the Ordinance that has been issued. Once the original clause is substituted by Ordinance, if that clause is voted down, the original clause in the Act will not get revived therefore, in my sincere opinion, even if it is our intention to get the original clause, it is necessary that it should be moved in the form of an amendment and it must be passed by this House in order to revive the original clause itself. Therefore, I have moved this amendment.

With regard to the contents of the amendments, I have very few words to add. As can be seen from the original clause (b) of section 67 and also the proposed clause (b) in the Bill that is before us, it is an enabling provision. It is not advisable for the Government to tie itself down to phrases like "if in its opinion it is necessary, so to do in the public interest" and so on, so forth. In my opinion it would be very difficult for the Government to establish that it is necessary so to do in public interest, particularly that it was in the public interest. Therefore I think that the original clause (b) of section 67 was all right and it gave the Government sufficient power to exempt any intoxicant from any of the provisions of this Act other than those of Chapter V in any specified area. But the proposed clause (b) in this particular Bill reads:

"(b) exempt, if in its opinion it is necessary so to do in the public interest, any intoxicant from any of the provisions of this Act, other than those of Chapter V, either throughout the State or in any specified area or for any specified period or occasion or as regards any specified person or class of persons."

I have proposed to delete this particular phrase:

"if in its opinion it is necessary so to do in the public interest"

because I think that this phrase will take away the utility and the essence of the enabling nature of this provision.

Therefore Sir, I think it is in the interest of the Government to accept this amendment.

† Sri M. NAGAPPA.—Sir, here as my learned and hon. friend Sri K. H. Srinivas has stated, the necessary savings is already provided. I invite the attention of the House to clause 23, which reads thus :

> "Certain provision of Mysore Ordinance No. 4 of 1970 not to have effect.—
>
> Amendments to sub-section (2) of section 21 and section 60 of the Principal Act by the Mysore Excise (Second Amendment) Ordinance, 1970 (Mysore Ordinance No. 4 of 970), shall be deemed never to have been made and the provisions of sub-section (2) of section 21 and section 60 of the principal Act as they stood prior to the said amendments, shall be and shall be deemed to continue to be in force."

If my friend wanted to amend this, he could have added that sub-section (2) of section 67 (b) shall also be treated that it has not been made.

Sri K. H. SRINIVAS.—In that case, action taken by the Government during the subsistence of this ordinance becomes invalid.

Sri D. B. KALMANKAR.—Sir, as it was rightly observed by my friend Sri Nagappa, it is a redundant clause. If it was to be saved, I am sorry that there was no need to bring such a clause in the Ordinance. In clause 23 it is said that the amendment to sub-section (2) of Sectlon 21 and section 60 of the principal Act shall be deemed never to have been made. Similarly this also could have been included therein. Now as my hon. friend Sri K. H. Sreenivas has stated that some words are going to be added and they are going to qualify for such exemption in the public interest, I think it may be accepted. I have no objection for that Sir.

Mr. SPEAKER.—I will now put the amendment moved by Sri K. H. Srinivas to vote. The question is :

> "That in clause 20, for the new clause (b) of section 67, the following clause shall be substituted, namely.—
>
> "(b) exempt any intoxicant from any of the provisions of this Act, other than those of Chapter V, in any specified area or for any specified period or occasion."

The amendment was adopted

Mr. SPEAKER.—The question is :

That clause 20 as amended do stand part of the Bill.

The motion was adopted

Clause 20 as amended was added to the Bill.

CLAUSES 21 to 23

Mr. SPEAKER.—There are no amendments to clauses 21, 22, 23. I shall put them straightaway : The question is :

That clauses 21 to 23 both inclusive, do stand part of the Bill.

The motion was adopted

Clauses 21 to 23 both inclusive, were added to the Bill.

CLAUSE 24

Mr. SPEAKER.—The question is :

"That clause 24 do stand part of the Bill." There is an amendment by Sri T. R. Shamanna. He may move it.

Sri T. R. SHAMANNA.—Sir, I move :

"That at page 12, in column (2), the words 'excluding cocoanut tree' shall be added after the words 'Excise tree'.

Mr. SPEAKER.—Amendment moved :

"That at page 12, in column (2) the words 'excluding cocoanut tree' shall be added after the words 'Excise tree'."

ಶ್ರೀ ಟಿ. ಆರ್. ಶಾಮಣ್ಣ.—ತೆಂಗಿನಕಾಯಿ ಬೆಲೆ ಬಹಳ ಜಾಸ್ತಿಯಾಗಿದೆ. ದೇವಸ್ಥಾನದಲ್ಲಿ ದೇವರಿಗೆ ತೆಂಗಿನಕಾಯಿ ಒಡೆಯುತ್ತಾ ಇಲ್ಲ. ಮದುವೆ ಮತ್ತು ಮುಂಜಿಯಲ್ಲಿ ತೆಂಗಿನಕಾಯಿ ಬದಲು ಮೂಸಂಬಿ ಹಣ್ಣನ್ನು ಕೊಡುತ್ತಿದ್ದಾರೆ. ಮನೆಯಲ್ಲಿ ದೇವರಿಗೂ ತೆಂಗಿನಕಾಯನ್ನು ಒಡೆಯುತ್ತಿಲ್ಲ. ಹೋಟಲುಗಳಲ್ಲಿ ತೆಂಗಿನಕಾಯಿಗೆ ಬದಲಾಗಿ ಕಡಲೆಕಾಯಿಯ ಚಟ್ನಿಯನ್ನು ಮಾಡುತ್ತಿದ್ದಾರೆ. ಇದನ್ನು ಪರಿಶೀಲಿಸಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ.

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ಶ್ರೀ ರಾಮಕೃಷ್ಣ ಹೆಗಡೆ.—ತೆಂಗಿನಕಾಯಿ ಬೆಲೆ ಮಾತ್ರ ಜಾಸ್ತಿಯಾಗಿಲ್ಲ. ಎಲ್ಲಾ ದವಸ ಧಾನ್ಯಗಳ ಬೆಲೆಗಳೂ ಜಾಸ್ತಿಯಾಗಿವೆ.

Mr. SPEAKER.—I will put the amendment to the House.

The question is :

"That at page 12, in column (2), the words 'excluding cocoanut tree' shall be added after the words 'Excise tree'."

The amendment was negatived.

Mr. SPEAKER.—The question is :

"That clause 24 do stand part of the Bill".

The motion was adopted.

Clause 24 was added to the Bill

CLAUSE 25

Mr. SPEAKER.—The question is :

"That clause 25 do stand part of the Bill."

The motion was adopted.

Clause 25 was added to the Bill.

CLAUSE 1, etc.

Mr. SPEAKER.—The question is :

"That clause 1, the long Title and the Enacting formula do stand part of the Bill."

The motion was adopted.

Clause 1, long Title and the Enacting formula were added to the Bill. .

Motion to pass.

Sri RAMAKRISHNA HEDE.—I move :

"That the Mysore Excise (Second Amendment) Bill, 1970, as amended be passed."

Mr. SPEAKER.—The question is :

"That the Mysore Excise (Second Amendment) Bill, 1970, as amended, be passed."

The motion was adopted.

ಶ್ರೀಮತಿ ಕೆ. ಎಸ್. ನಾಗರತ್ನಮ್ಮ.—ಮುಂದಿನ ನಿರ್ಣಯಗಳನ್ನು ತೆಗೆದುಕೊಳ್ಳುವುದಕ್ಕೆ ಮುಂಚೆ ಒಂದು ಮುಖ್ಯವಾದ ವಿಷಯವನ್ನು ತಮ್ಮ ಗಮನಕ್ಕೆ ತರಬೇಕಾಗಿದೆ. ಅದೇನೆಂದರೆ ಲೇಡೀಸ್ ಲೌಂಜ್ ಕಡೆ ನೀವು ಬರುತ್ತಾ ಇಲ್ಲ. ಮಾನ್ಯ ಬಾಳಿಗಾ ಮತ್ತು ಕಂಠಿಯವರು ಇದ್ದಾಗ ಬರುತ್ತಿದ್ದರು. ಒಳಗಡೆ ಕುಳಿತುಕೊಳ್ಳುವುದಕ್ಕೆ ಸಾಧ್ಯವಿಲ್ಲ. ಅದು ಅಡಿಗೆ ಮನೆ ಆಗಿದೆ. ಇದನ್ನು ಬೇರೆ ಕಡೆಗೆ ವರ್ಗಾಯಿಸಬೇಕು. ಏನೇನು ತರಿಸಿ ತಿನ್ನುವವರಿಗೆ ಅಡ್ಡಿ ಹೇಳುವುದಿಲ್ಲ. ಆದರೆ ಅಲ್ಲೇ ಅಡಿಗೆ ಮಾಡಲು ಪ್ರಾರಂಭಿಸಿದ್ದಾರೆ. ವಿಧಾನಸೌಧ ಇರುವುದು ಅಡಿಗೆ ಮಾಡುವುದಕ್ಕೆ ಅಲ್ಲ. ಏನು ಬೇಕಾದರೂ ತರಿಸಿ ತಿನ್ನಲಿ ಬೇಡ ಎಂದು ಹೇಳುವುದಿಲ್ಲ. ಗಂಡಸರಿಗೆ ವಾಸನೆ ತಡೆದುಕೊಳ್ಳುವುದಕ್ಕೆ ಶಕ್ತಿ ಇದ್ದರೆ ಅವರ ಕಡೆಗೆ ಹಾಕಿಸಿ. ನಿನ್ನೆ ದಿವಸ ವಿಪರೀತ ವಾಸನೆ ಇತ್ತು. ಲೇಡಿ ಮೆಂಬರುಗಳು ಯಾರು ಕೇಳಿದರೂ ಒಂದು ಪೀಸೂ ಸಿಕ್ಕಲಿಲ್ಲವಂತೆ. ಎಲ್ಲಾ ಮಿನಿಷ್ಟರ ಮನೆಗೆ ಹೊರಟು ಹೋಯಿತು. ವಾಸನೆಯನ್ನು ನಾವು ಕುಡಿಯಬೇಕು, ತಿನ್ನುವವರು ಯಾರೋ ?

ಶ್ರೀ ಅಜೀಜ್ ಸೇಟ್.—ತಾವು ಲೆಜಿಸ್ಲೇಟರ್ಸ್ ಹೋಂ ಕಡೆಗಾಗಲಿ ಅಥವಾ ಸುದರ್ಶನ ಗೆಸ್ಟ್ ಹೌಸ್‌ಗಾಗಲಿ ಜನರಲ್ ಹಾಸ್ಟೆಲ್ ಕಡೆಗಾಗಲೀ ಒಂದು ಸಾರಿಯೂ ಬಂದಿಲ್ಲ. ಆಕಡೆ ಒಂದು ಸಾರಿ ಬಂದು ನೋಡಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ.

Mr. SPEAKER.—I shall look into the whole matter and set things right.

Mysore Sales Tax (Amendment) Bill, 1970

(i) Staturtory Resolution to disapprove Ordinance 2 of 1970.

Sri M. NAGAPPA.—I beg leave of the House to move :

"That this Assembly disapproves Ordinance No. 2 of 1970 'The Mysore Sales Tax (Amendment) Ordinance, 1970 promulgated by the Governor of Mysore on 9th June 1970.'"

Mr. SPEAKER.—Resolution moved :

"That this Assembly disapproves Ordinance No. 2 of 1970 'The Mysore Sales Tax (Amendment) Ordinance, 1970' promulgated by the Governor of Mysore on 9th June 1970".

(ii) Motion to consider.

Sri RAMAKRISHNA HEGDE.—I beg to move :

"That the Mysore Sales Tax (Second Amendment) Bill, 1970 be taken into considertion."

Mr. SPEAKER.—Motion moved :

"That the Mysore Sales Tax (Second Amendment) Bill, 1970 be taken into consideration."

†Sri RAMAKRISHNA HEGDE.—Sir, It is a very, very simple amendment. As the hon. Members of this House might be aware, in the last Session an amendment was introduced to the existing Sales Tax Act in respect of Section 12-A, which was substituted. This is only with a view to provide in the Act itself as rectification. Actually this provision is at the moment under the Rules. A case under such a provision was decided recently by the High Court and it was felt that it would be better if this provision is made in the Act itself instead of in the Rules. Hence this Amendment. There is absolutely no controversy in this.

† ಶ್ರೀ ಎಂ. ನಾಗಪ್ಪ.—ಅಧ್ಯಕ್ಷರೇ, ಈಗ ನಾನು ಮಾರಾಟ ತೆರಿಗೆ ತಿದ್ದುಪಡಿ ಒಂದು ಆಜ್ಞೆಯನ್ನು ಈ ಮಾನ್ಯ ಸಭೆ ತಿರಸ್ಕರಿಸಬೇಕೆಂಬ ಸೂಚನೆಯನ್ನು ಈ ಸಭೆಯ ಮುಂದೆ ಮಂಡಿಸಿದ್ದೇನೆ. ಅದರ ಜೊತೆಗೆ ಮಾನ್ಯ ಹಣಕಾಸಿನ ಮಂತ್ರಿಗಳೂ ಸಹ ಈ ಮಾರಾಟ ತೆರಿಗೆ ತಿದ್ದುಪಡಿ ಮಸೂದೆಯನ್ನು ಸಹ ಈ ಸಭೆಯ ಮುಂದೆ ಮಂಡಿಸಿದ್ದಾರೆ. ನಾನು ಈ ತುರ್ತು ಆಜ್ಞೆಯನ್ನು ತಿರಸ್ಕರಿಸಬೇಕೆನ್ನುವ ವಾದದ ಪರವಾಗಿ ನಾಲ್ಕು ಮಾತುಗಳನ್ನು ಹೇಳಲಕ್ಕೆ ಇಚ್ಛ

ಪಡುತ್ತೇನೆ. ಈ ತುರ್ತು ಆಜ್ಞೆಯ ಉದ್ದೇಶ ಏನಿತ್ತೆಂದು ನೋಡಬೇಕಾದರೆ, ರೂಲ್ 70, ಸಬ್ ರೂಲ್ (1) ರ ಪ್ರಕಾರ ಕೊಟ್ಟಿರುವ ಹೇಳಿಕೆಯನ್ನು ನೋಡಿದರೆ ನಮಗೆ ಎಲ್ಲವೂ ಚೆನ್ನಾಗಿ ಗೊತ್ತಾಗುತ್ತದೆ. ಅದನ್ನು ಈ ಬಿಲ್ಲಿನ 8ನೇ ಪುಟದಲ್ಲಿ ಕೊಟ್ಟಿದ್ದಾರೆ. ಅದನ್ನು ನೋಡಿದರೆ ಈ ಒಂದು ತುರ್ತು ಆಜ್ಞೆಯ ಅವಶ್ಯಕತೆ ಏನಿತ್ತು ಎಂಬುದು ಸ್ಪಷ್ಟವಾಗುತ್ತದೆ. ಈಗ ಈ ತಿದ್ದುಪಡಿ ಕಾಯಿದೆಯಾಗಿ ಈ ತುರ್ತು ಆಜ್ಞೆಯನ್ನು ಹೊರಡಿಸಿದ ಕಾರಣ ಏನೆಂಬುದನ್ನು ನಾನು ಈಗ ಹೇಳಬೇಕಾಗಿದೆ. 1964 ರಲ್ಲಿ ಇಂಟರ್‌ಸ್ಟೇಟ್ ಮಾರಾಟ ತೆರಿಗೆಯನ್ನು ಕೆಲವು ಐಟಂಗಳ ಮೇಲೆ ಹಾಕತಕ್ಕದ್ದು ತಪ್ಪು ಎಂಬುದಾಗಿ ಮೈಸೂರು ಹೈಕೋರ್ಟ್‌ನಿಂದ ನಿರ್ಣಯ ಬಂದನಂತರ ಅನೇಕ ಕೇಸುಗಳಲ್ಲಿ ನಮ್ಮ ಸರ್ಕಾರ ತಡಮಾಡದೆ ಹಣವನ್ನು ಅಸೆಸೀಗೆ ವಾಪಸ್ಸು ಮಾಡಿದರು. ಆಗ ಹಿಂದಿರತಕ್ಕ ಕಾನೂನು ಪ್ರಕಾರ ಅದು ತಪ್ಪು ಎಂಬುದಾಗಿ ನಿರ್ಣಯ ಮಾಡಿದನಂತರ ಆ ಎಲ್ಲಾ ತೆರಿಗೆಗಳನ್ನು ಕಾಯಿದೆ ಪ್ರಕಾರ ವಾಪಸ್ಸು ಮಾಡಬೇಕೆಂದು ಅರ್ಜಿಗಳನ್ನು ಅಸೆಸ್ಸೀಗಳು ಕೊಟ್ಟರು. ಅದರ ಸಲುವಾಗಿ ಸುಮಾರು 3 ಕೋಟಿ ರೂಪಾಯಿಗಳನ್ನು ಸರ್ಕಾರ ಅಸೆಸ್ಸೀಗಳಿಗೆ ವಾಪಸ್ಸು ಕೊಟ್ಟಿತು. ನಮಗೆ ಅದು ಗೊತ್ತಿದೆ. ಅದರ ಬಗ್ಗೆ ಚರ್ಚೆಯನ್ನೂ ಸಹ ಮಾಡಲಾಗಿದೆ. ಈಗ ತಂದಿರುವ ತಿದ್ದುಪಡಿಯ ಉದ್ದೇಶ; ಹಿಂದೆ ಯಾವ ಹಣವನ್ನು ಅಸೆಸ್ಸೀಗೆ ವಾಪಸ್ಸು ಕೊಟ್ಟಿದ್ದರೋ ಅದನ್ನು ಪುನಃ ವಾಪಸ್ಸು ಪಡೆಯುವ ಉದ್ದೇಶವಷ್ಟೆ. ಇನ್ನು ಯಾವುದಾದರೂ ಅಸೆಸ್‌ಮೆಂಟ್ ಉಳಿದಿದ್ದರೆ ಅಥವಾ ಅಪೀಲ್‌ನಲ್ಲಿದ್ದರೆ ಅವನ್ನೂ ಸಹ ಪುನರ್ಪರಿಶೀಲನೆಮಾಡಬೇಕೆಂದು ಮಾಡಿದ್ದಾರೆ. ಇದನ್ನು ಈಗ ರಿಟ್ರಾಸ್ಪೆಕ್ಟಿವ್ ಆಗಿ ತಂದಿರತಕ್ಕದ್ದು. ಕೇಂದ್ರಸರ್ಕಾರ ಇದನ್ನು ಸರಿಪಡಿಸಬೇಕೆಂದು ಮಾಡಿದ್ದಾರೆ. ಅದರ ಬಗ್ಗೆ ಪುನಃ ಆರ್ಡರ್ಸ್ ಮಾಡಬೇಕೆಂಬ ಉದ್ದೇಶದಿಂದ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ಈ ಸಭೆಯ ಮುಂದೆ ತಂದಿದ್ದಾರೆ. ಮೊದಲನೆಯದಾಗಿ ತುರ್ತು ಆಜ್ಞೆಯನ್ನು ತಂದಿದ್ದಾರೆ. ಈಗ ಈ ತಿದ್ದುಪಡಿ ಮಸೂದೆಯನ್ನು ತಂದಿದ್ದಾರೆ. ಇದನ್ನು ನೋಡುವುದಕ್ಕೆ ಮುಂಚೆ ಪಾರ್ಲಿಮೆಂಟಿನಿಂದ ಮತ್ತೊಂದು ಕಾಯಿದೆ ಯಾವುದು ತಂದಿದ್ದಾರೆನ್ನುವುದನ್ನು ನಾವು ಬಹು ಮುಖ್ಯವಾಗಿ ನೋಡಬೇಕಾಗಿದೆ. ಅದು ಕ್ಲಾಜು 9. ಇದು ಸೆಂಟ್ರಲ್ ಸೇಲ್ಸ್‌ಟ್ಯಾಕ್ಸ್ ಅಮೆಂಡ್‌ಮೆಂಟ್ ಆಕ್ಟ್ ನಂಬರ್ 28,1969 ಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟದ್ದು. 30ನೇ ಆಗಸ್ಟ್ 1969 ರಲ್ಲಿ ಇದು ಅಧ್ಯಕ್ಷರ ಅಪ್ಪಣೆಯನ್ನು ಹೊಂದಿತು. ಅದು ಆರ್ಡಿನೆನ್ಸಿನಿಂದ ಜಾರಿಯಾಗಿದೆಯೆಂಬ ವಿಷಯ ಇದರಲ್ಲಿದೆ. ಇದರಲ್ಲಿ ಎರಡು ವಿಷಯಗಳನ್ನು ನಾವು ನೋಡಬಹುದು. ಹಿಂದೆ ಹೈಕೋರ್ಟ್ ಜಡ್ಜ್‌ಮೆಂಟ್ ಕೊಟ್ಟನಂತರ ಯಾವ್ಯಾವ ಟ್ಯಾಕ್ಸ್‌ಗಳನ್ನು ಇಲ್ಲೀಗಲ್ಲಾಗಿ ಡಿಕ್ಲೇರ್ ಮಾಡಿದ್ದಾರೆ ಅಥವಾ ಡಿಕ್ರಿಗಳಾಗಿದ್ದುವು ಎಂಬುದನ್ನು ನೋಡಬಹುದು. ಇನ್ನು ಯಾವ್ಯಾವುದು ಪೆಂಡಿಂಗ್ ಸ್ಟೇಜಿನಲ್ಲಿದ್ದವೋ ಅವನ್ನು ಕೇಳುವುದಕ್ಕೆ ಬರುವುದಿಲ್ಲವೆಂದು ಆ ಎಲ್ಲಾ ಡಿಕ್ರಿಗಳನ್ನು ವಾಪಸ್ ಮಾಡುವುದಕ್ಕೆ ಬರುವುದಿಲ್ಲವೆಂದು ತೋರಿಸಿದ್ದಾರೆ. ಆದ್ದರಿಂದ ಈ ಕ್ಲಾಜಿನ (ಎ) ಯಿಂದ (ಸಿ) ವರೆಗೆ ಅದರಲ್ಲಿ ರಿಫಂಡಾದ ತೆರಿಗೆಗಳನ್ನು ಕ್ಲೇಮ್ ಮಾಡುವ ಕ್ಲಾಜನ್ನು ಪಾರ್ಲಿಮೆಂಟಿನವರು ಮಾಡಲಿಲ್ಲ. ಆದ್ದರಿಂದ ನಾವು ಈ ಸಭೆಯಲ್ಲಿ ಮಾಡಬೇಕಾದಂಥಾದ್ದು ಏನೆಂದರೆ, ಕಾಯಿದೆಯನ್ನು ಅಂದರೆ ಟ್ಯಾಕ್ಸ್ ವಸೂಲುಮಾಡುವ ಪದ್ಧತಿಯನ್ನು ನಮ್ಮ ಕಾಯಿದೆಯ ಪ್ರಕಾರ ನಿರ್ಮಿಸತಕ್ಕದ್ದು. ಟ್ಯಾಕ್ಸ್ ಹಾಕುವುದು ಕೇಂದ್ರದ ಕಾಯಿದೆ ಪ್ರಕಾರ. ಸೆಂಟ್ರಲ್ ಆಕ್ಟ್‌ನಲ್ಲಿ ಈ ವಿಷಯವನ್ನು ಚೆನ್ನಾಗಿ ಹೇಳಿದ್ದಾರೆ. ಈ ದೃಷ್ಟಿಯಿಂದ ನಾವು ಮಾಡುವ ತಿದ್ದುಪಡಿ ಯಾವುದು ಎಂಬುದನ್ನು ಗಮನಿಸಿದರೆ ಈ ಬಿಲ್ಲಿನಲ್ಲಿ ಅದು ಸ್ಪಷ್ಟವಾಗಿರುತ್ತದೆ. ಕೆಲವು ಕಡೆ ಸೇಲ್ಸ್‌ಟ್ಯಾಕ್ಸ್ ವಸೂಲಿ ಮಾಡಿರುವುದು ಸರಿಯಲ್ಲ ಎಂದು ಕೋರ್ಟಿನಲ್ಲಿ ಚಾಲೆಂಜು ಮಾಡಿದಾಗ ಇದು ಸರಿಯಲ್ಲ ಎಂದು ಕೋರ್ಟಿನಿಂದ ಜಡ್ಜ್‌ಮೆಂಟು ಬಂದಾಗ ಸರಕಾರ ಆಗ ಸುಮಾರು ಮೂರು ಕೋಟಿ ಅಥವಾ ಎರಡೂವರೆ ಕೋಟಿಯಷ್ಟು ಹಣವನ್ನು ರೀಫಂಡು ಮಾಡಬೇಕಾಗಿ ಬಂತು, ಆವರೆ ಇದು ಮಾಡಿರುವುದು ಸರಿಯಲ್ಲ ಇದನ್ನು ವಾಪಸು ತೆಗೆದುಕೊಳ್ಳಬೇಕೆಂದು ಇದಕ್ಕೆ ಸರಿಯಾದ ಒಂದು ಬಿಲ್ಲನ್ನೇ ತಂದು ಮಾಡಬೇಕು ಎಂದು ಇಲ್ಲಿ ಇಂತಹ ಬಿಲ್ಲನ್ನು ತಂದಿದ್ದಾರೆ. ಇಂತಹ ಒಂದು ಮಸೂದೆ ಬೇರೆ ರಾಜ್ಯಗಳಲ್ಲಿ ಆಗಿಲ್ಲ, ಇಲ್ಲಿ ಇಂತಹ ಒಂದು ತಿದ್ದುಪಡಿ ಮಾಡಿದ ಬಿಲ್ಲನ್ನು ತರುವುದರ ತೀವ್ರತೆಯಾದರೂ ಏನು ಎಂದು ನಾನು ಇಲ್ಲಿ ಕೇಳಬೇಕಾಗಿದೆ. ನಮ್ಮ ಸರಕಾರ ಇಂತಹ ಒಂದು ಕಾಯಿದೆ ಮಾಡಿ ಒಂದು ಸಮಂಜಸವಾದ ಸಮಯದಲ್ಲಿ ತರದೆ, ಕೆಲವರಿಗೆ ರಕ್ಷಣೆ ಕೊಡಬೇಕೆಂದು ಮಾಡಿ ಅವರಿಗೆಲ್ಲಾ ಮೊದಲು ಹಣ ಕೊಟ್ಟಾಗಿದೆ. ಈಗ ಪುನಃ ಈ ಹಣವನ್ನು ವಾಪಸು ಪಡೆಯಬೇಕು ಎಂದು ಇಲ್ಲಿ ಇಂತಹ ಒಂದು ಕಾಯಿದೆ ತಂದಿದ್ದಾರೆ ಮತ್ತು ಇಂತಹ ಒಂದು ಉದ್ದೇಶ ಇದರಲ್ಲಿದೆ ಎನ್ನುವುದು ನಮಗೆ ಇದರಲ್ಲಿರುವ ಕಲಂಗಳನ್ನು ಓದಿದರೆ ಗೊತ್ತಾಗುತ್ತದೆ. ಆರ್ಟಿಕಲ್ 269 (1) (ಜಿ) ಮತ್ತು ಆರ್ಟಿಕಲ್ 286ನ್ನು ಈ ಸಭೆಯ ಅವಗಾಹನೆಗಾಗಿ ತರಬೇಕಾಗಿದೆ. ಇದಕ್ಕೆ ಇವು ಬಹುಮುಖ್ಯವಾದ

(ಶ್ರೀ ಎಂ. ನಾಗಪ್ಪ)

ಆರ್ಟಿಕಲ್‌ಗಳು. ಇದನ್ನು ಸಭೆಯ ಅವಗಾಹನೆಗಾಗಿ ನಾನು ಇಲ್ಲಿ ಇದನ್ನು ಓದುತ್ತೇನೆ. ಅದು ಹೀಗಿದೆ. ಆರ್ಟಿಕಲ್ 269 (ಜಿ) ನಲ್ಲಿ :

"The following duties and taxes shall be leveid and collected by the Government of India but shall be assigned to the States in the manner provided in clause (2), namely:–(.......) (g) taxes on the sale or purchase of goods other than newspapers, where such sale or purchase takes place in the course of inter-State trade or commerce."

286ನೇ ಆರ್ಟಿಕಲ್ ಹೀಗಿದೆ :

"No law of a State shall impose, or authorise the imposition of, a tax on the sale or purchase of goods where such sale or purchase takes place–..........

(3) Any law of a State shall, in so far as it imposes, or authorises the imposition of, a tax on the sale or purchase of goods declared by Parliament by law to be of special importance in inter-State trade or commerce, be subject to such restrictions and conditions in regard to the system of levy, rates and other incidents of the tax as Parliament may by law specify."

ಇದನ್ನು ನೋಡಿದರೆ ಇಂತಹ ಒಂದು ಕಾಯಿದೆ ಮಾಡತಕ್ಕ ಅಧಿಕಾರ ಕೇಂದ್ರ ಸರಕಾರಕ್ಕೆ ಇದೆಯೇ ಹೊರತು ರಾಜ್ಯಸರಕಾರಕ್ಕೆ ಇಲ್ಲ. ನಮ್ಮ ರಾಜ್ಯಸರಕಾರದ ಲಿಸ್ಟ್ 2 ರ ಪ್ರಕಾರ ಸೇಲ್ಸ್‌ಟ್ಯಾಕ್ಸ್ ಸೆಕ್ಷನ್ 54 ರ ಪ್ರಕಾರ ಕಾನೂನು ಮಾಡುವ ಅಧಿಕಾರ ಇದೆ. ಇನ್ನು ಲಿಸ್ಟ್ ಒಂದು ಸೆಕ್ಷನ್ 84 ಮತ್ತು 92 (ಎ) ಪ್ರಕಾರ ದಿ ಇಂಟರ್ ಸೇಲ್ಸ್‌ಟ್ಯಾಕ್ಸ್ ನಿಗದಿ ಮಾಡುವ ಅಧಿಕಾರ ಕೇಂದ್ರ ಸರಕಾರಕ್ಕೆ ಇದೆ. ಸೆಕ್ಷನ್ 9 (1) (ಬಿ) ಮತ್ತು (ಸಿ) ಪ್ರಕಾರ ಟ್ಯಾಕ್ಸ್‌ಗಳ ಅಸೆಸ್‌ಮೆಂಟು ಅಥವಾ ರೀ ಅಸೆಸ್‌ಮೆಂಟು ಮಾಡುವ ಕೇಸುಗಳೇನಾದರೂ ಪೆಂಡಿಂಗು ಇದ್ದರೆ ಅಥವಾ ಯಾವುದಾದರೂ ಡಿಕ್ರಿ ಆರ್ಡರು ಆಗಿದ್ದರೆ ಆಗ ಇಂತಹ ಕಾಯಿದೆಯನ್ನು ಪರಿಶೀಲನೆಗೆ ತೆಗೆದುಕೊಳ್ಳಬೇಕು ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಇವೆರಡು ಪ್ರಾವಿಷನ್‌ಗಳಲ್ಲಿ ಇವನ್ನೆಲ್ಲಾ ವಿವರವಾಗಿ ಹೇಳಲಾಗಿದೆ. ಇದರ ಪರಿಣಾಮಗಳು ಏನಾಗುತ್ತದೆ ಎನ್ನುವುದನ್ನು ಇದನ್ನು ನೋಡಿದರೆ ಆಗ ಗೊತ್ತಾಗುತ್ತದೆ. ಅಸೆಸ್‌ಮೆಂಟು ತಿದ್ದುಪಡಿ ಮಾಡಬೇಕಾದರೆ ಕಾಯಿದೆ ಪ್ರಕಾರ ಮಾಡಬೇಕು. ಇದರಲ್ಲಿ ರೂಲು 38 ರ ಪ್ರಕಾರ ಮಾಡಬಹುದು ಎಂದು ಮಾಡಿದ್ದಾರೆ. ರೂಲು ಪ್ರಕಾರ ಮಾಡಿದರೆ ಸರಿಯಲ್ಲ ಎಂದು ಹೈ ಕೋರ್ಟಿನಲ್ಲಿ 1969 ರಲ್ಲೇ ಹೇಳಿರುವುದರಿಂದ ನಮ್ಮ ಸರಕಾರ ಇಲ್ಲಿ ಇಂತಹ ಒಂದು ತಿದ್ದುಪಡಿ ಮಾಡಿ ಒಂದು ಕಾಯಿದೆ ತಂದಿದ್ದಾರೆ. ಇದರಲ್ಲಿ ಏನು ಉದ್ದೇಶ ಹೇಳಿದ್ದಾರೋ ಅದು ಇದರಿಂದ ಸಾಧ್ಯವಾಗುವುದಿಲ್ಲ. ಇದರಲ್ಲಿರುವ ಕೆಲವು ಮುಖ್ಯ ಕ್ಲಾಜುಗಳ ಬಗ್ಗೆ ಈ ಸಭೆಯ ಗಮನವನ್ನು ಸೆಳೆಯಬೇಕಾಗಿದೆ. ವ್ಯಾಲಿಡೇಷನ್ ಬಗ್ಗೆ ಹೀಗೆ ಹೇಳುತ್ತಾರೆ :

"7. Validation. (1) ....shall be deemed to be invalid or to have become invalid merely on the ground that the rectification of the mistake was not authorised by law and the tax or penalty so levied, assessed or collected was not authorised by law, and the order of rectification of mistake so made and the tax or penalty so levied, assessed or collected shall be deemed to have been validly made, levied, assessed and collected in accordance with the principal Act as amended by this Act."

ಇದು ಆಕಾರಿಗ ತರಬೇಕಾಗಿದ್ದದ್ದು 9 ಜೂನ್ 1970 ಕ್ಕೆ ಸೆಂಟ್ರಲ್ ಆಕ್ಟ್ 1969 ರಲ್ಲೇ ಆಗಿತ್ತು.

ಈಗಿರತಕ್ಕ ಕಾಯಿದೆ ಪ್ರಕಾರ ಇದರ ಕೆಲಸಗಳೆನ್ನು ಈಗಿರುವ ಅಧಿಕಾರಿಗಳಿಗೇ ವಹಿಸಿ ಎಲ್ಲ ಕೆಲಸಗಳನ್ನೂ ಮಾಡಬಹುದಾಗಿತ್ತು. ಈ ಕಾಯಿದೆ ಪ್ರಕಾರ ಅಸೆಸ್‌ಮೆಂಟು ಪುನಃ ಮಾಡಬೇಕು ಎಂದು ಇದರಲ್ಲಿ ಒಂದು ಅರ್ಥ ಬರುತ್ತದೆ. ಈ ಅಧಿಕಾರವನ್ನು ನಮಗೆ ಸೆಂಟ್ರಲ್ ಆಕ್ಟ್‌ನಲ್ಲಿ ಕೊಟ್ಟಿರಲಿಲ್ಲ. ಇಲ್ಲಿ ಕೊಟ್ಟಿರುವ ಸೆಕ್ಷನ್ 7 (1) ನ್ನು ಸರಿಯಾಗಿ ಓದಿದರೆ ಹಿಂದೆ ತಪ್ಪಾಗಿ ಕಾಯಿದೆ ಮಾಡಲಾಗಿತ್ತು. ಇದರಿಂದಾಗಿ ಕೋರ್ಟಿನಲ್ಲಿ ತೊಂದರೆಯಾಯಿತು. ಕೋರ್ಟ್ ಆರ್ಡರು ಪ್ರಕಾರ ಎಷ್ಟೋ ಜನಕ್ಕೆ ರೀ ಫಂಡ್ ಮಾಡಬೇಕಾಗಿ ಬಂತು, ಇದನ್ನು ಪುನಃ ಅವರಿಂದ ವಾಪಸು ಪಡೆಯಲು ಅನುಕೂಲವಾಗುವಂತೆ ಇದರಲ್ಲಿ ಕಲಂಗಳನ್ನು ರೂಪಿಸಿಕೊಂಡು ಇಲ್ಲಿ ತಿದ್ದುಪಡಿ ತಂದಿದ್ದಾರೆ ಎನ್ನುವುದು ಇದರಲ್ಲಿ ಸ್ಪಷ್ಟವಾಗಿ ಗೊತ್ತಾಗುತ್ತದೆ. ಈ ರೀತಿ ಕಾನೂನು ಮಾಡಲಿಕ್ಕೆ ಮೊದಲು ಅಧಿಕಾರ ಇಲ್ಲ ಎಂದು ಆಗ ರೀಫಂಡ್ ಮಾಡಿದುದನ್ನು ಬೇರೆ ರೀತಿಯಲ್ಲಿ ವಾಪಸು ಪಡೆಯಬೇಕು ಎನ್ನುವ ಒಂದು ಉದ್ದೇಶದಿಂದಲೇ ಇಲ್ಲಿ ಕಾನೂನು ಮಾಡಬೇಕು ಎಂದು ತರುವುದು ಅಷ್ಟು ಸರಿಯಲ್ಲ. ಕಾನೂನು ಮಾಡಲು ಅಂತಹ ವಿಶೇಷ ಪರಿಸ್ಥಿತಿ ಏನೂ ಇರಲಿಲ್ಲ. ಈ ಸಭೆಗೆ ಕಾಯಿದೆ ಮಾಡಲು ಅನುಕೂಲ ಇದೆ ಎಂದು ಹಿಂದೆ ಮಾಡಿದಂತಹ ಅನ್ಯಾಯಗಳನ್ನು ಸರಿಮಾಡಬೇಕು ಎಂದು ಕ್ಲಾಸ್ 7 ಸಬ್ ಕ್ಲಾಸು (1)ರ ಪ್ರಕಾರ ರಕ್ಷಣೆ ಕೊಡಬೇಕು ಎಂದು ಹೇಳಿರುವುದು ಇದರಲ್ಲಿ ಸ್ಪಷ್ಟವಾಗಿ ಗೊತ್ತಾಗುತ್ತದೆ. ಹಿಂದೆ ಮಾಡಿದಂತಹ ತಪ್ಪನ್ನು ಸರಿಮಾಡಬೇಕು ಎಂದು ಇಂತಹ ಒಂದು ಅಮೆಂಡ್‌ಮೆಂಟು ಮಾಡಬೇಕಾಗಿ ಬಂತು ಇದರಲ್ಲಿ ಹೇಳುತ್ತಿದ್ದಾರೆ. ಒಂದು ಕೇಸಿನಲ್ಲಿ ಡಿಕ್ರಿಯಾದಮೇಲೆ ಅವನ್ನು ಎಕ್ಸಿಕ್ಯೂಟು ಮಾಡುವಾಗ ಅಂತಹ ಕೇಸುಗಳು ಸ್ಪೆಷಲ್ ಟ್ರಿಬ್ಯುನಲ್ ವ್ಯಾಪ್ತಿಗೆ ಒಳಪಡುವುದಿಲ್ಲ ಎನ್ನುವ ಒಂದು ವಿಚಾರವನ್ನೂ ಇಲ್ಲಿ ಹೇಳಲು ಇಚ್ಛೆಪಡುತ್ತೇನೆ.

ಈ ಒಂದು ವಿಷಯ ಹೇಳುವಾಗ, ಲಾ ಆಫ್ ಇಂಪೋಸಿಂಗ್ ಟ್ಯಾಕ್ಸ್ ಬಗ್ಗೆ ವಿಚಾರ ಮಾಡಿದರೆ, ನಮಗೆ ಟ್ಯಾಕ್ಸ್ ಹಾಕುವ ಅಧಿಕಾರ ಇದೆ ಎನ್ನುವ ಅರ್ಥ ಇದರಲ್ಲಿ ಬರುವುದಿಲ್ಲ. The Law would come within the expression only if it creates the liability to pay tax. ರ್‍ಯಾಟಿಫೈ ಮಾಡಬೇಕು ಎಂದು ಹೇಳುತ್ತಾ ಇಂತಹ ಒಂದು ಕಾನೂನು ತರಲು ಸರಕಾರ ಪ್ರಯತ್ನ ಮಾಡಬಾರದು. ಹಿಂದೆ ಇದೇ ಸಂದರ್ಭದಲ್ಲಿ ಇಂತಹ ಒಂದು ಕೇಸಿನ ಬಗ್ಗೆ ಮದ್ರಾಸು ಹೈ ಕೋರ್ಟಿನಲ್ಲಿ ಒಂದು ಜಡ್ಜ್‌ಮೆಂಟು ಆಗಿದೆ ಅದು ಯಾವುದು ಎಂದರೆ:

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ಇದರಲ್ಲಿ ಹೀಗಿದೆ :

The Law would come within the expression only if it creates the liability to pay the tax.

1959 ರಲ್ಲಿ ಮದ್ರಾಸಿನ ಹೈ ಕೋರ್ಟಿನಲ್ಲಿ ಇಂತಹ ಒಂದು ತೀರ್ಮಾನ ಬಂದಿದೆ.

ಅಂತರ ರಾಜ್ಯ ತೆರಿಗೆಯನ್ನು ಕೆಲವು ವಸ್ತುಗಳ ಮೇಲೆ ಹಾಕಬಾರದು ಎಂದು ಹೈಕೋರ್ಟ್ ಜಡ್ಜ್‌ಮೆಂಟ್ ಬೇರೆ ಆಗಿದೆ. ಇಂಥಾ ಒಂದು ಸಕಾರಣದಿಂದ ಈಗ ಸರ್ಕಾರದವರು ತಂದಿರುವ ತಿದ್ದುಪಡಿ ಸರಿಯಾಗಿಲ್ಲ. ಇದು ಈ ಸಭೆಯ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಬರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ದಯವಿಟ್ಟು ನಾನು ಈಗ ತಂದಿರುವ ಸೂಚನೆಯನ್ನು ಒಪ್ಪಿಕೊಂಡು ಸರ್ಕಾರದವರು ತಂದಿರುವ ಆರ್ಡಿನೆನ್ಸ್ ಅನ್ನು ತಿರಸ್ಕಾರ ಮಾಡಬೇಕೆಂದು ಈ ಮಾನ್ಯ ಸಭೆಯ ಸದಸ್ಯರನ್ನು ಕೇಳಿಕೊಳ್ಳುತ್ತೇವೆ.

12-30 P.M.

†Sri P. V. AITHALA.—Hon. Speaker, while opposing the Mysore Sales Tax (Second Amendment) Bill, 1970, I have to make it clear that this is an attempt of the Finance Ministry to save the lives by getting help of a straw. They have failed utterly on the main material points. As far back as in 1962 our High Court has held that if a particular commodity is not liable to tax within the State, it is not liable to tax on inter-state basis also. That is the principle. There is no difference between the Central Sales Tax Act and the local Sales Tax Act of this

(SRI P. V. AITHALA)

State or other States with regard to the point of liability to tax. For example, supari, cardamum, pepper, etc., are liable to tax at the purchase point. But when these goods were sold on inter-state basis they could not be taxed when they were sold to outside States. This principle was first laid down by our High Court by Hon'ble Justice Mr. Hegde interpreting Section 8 (2) (a) of the Central Sales Tax Act. The same view was upheld by the Supreme Court on an appeal filed by the Mysore State not interpreting Section 8 (2) (a), but interpreting Section 9 of the Central Sales Tax Act. They agreed on the point that if a particular article is not taxable if it is sold within the State there is no tax on that goods when it is sold on inter-state sale basis to other States. This is a simple principle; there is no ambiguity or confusion.

Following the decision of the Supreme Court, all the taxes that were levied illegally had to be refunded. It is not as though this Government refunded these amounts merely for their asking. But several appeals and writ petitions had to be filed; the finance ministry had to be approached, legal notices had to be served and after spending lakhs of rupees the State finally agreed to refund the amounts. Though the Supreme Court decided the issue on 10th November 1964 saying the local Act is illegal, our State refunded the amounts somewhere in 1967 in 1968. The Finance Ministry of this State ought to have taken up the matter in appeal and they should have moved the Central Government for amendment of Section 9, but not Section 8 (2) (a) immediately after the decision of the Supreme Court. The Finance Minister of the State was sleeping for 3 to 4 years. In fact when other States wanted that Section 9 should be amended, it appears that our State was keeping quiet. But now feverish attempts are being made for amending Section 9. An urgent SOS was sent to the Central Government to amend Section 9 of the Act or to introduce a new section. Finally, on account of the pressure by this State, the Central Government had to yield and a new Section 6 (1) (a) was introduced. So far the rule was crystal clear. For example if Supari is taxable at the purchase point, there was no tax when it is sold on the inter-state basis. Now utter confusion has been brought. On account of the pressure put by the State the Central Government had to amend the Act and the Act has now been amended.

While amending the Act, there was a sort of nap. They should have requested the Central Government to amend section 9 of the Act. The Central Act does not include the provision of refund, appeal, etc. There is some lacuna with regard to rectification in the Central Act. The Supreme Court decision was given in 1964 with regard to this point. The dealers who got refund of lakhs of rupees have invested it on their business, on buildings, etc. Some dealers have advanced money to customers. There are cases where thousands of rupees were refunded to the customers following the Supreme Court decision. It is not commendable to refund the money after six years and it has to be

condemned. The interest of the dealers is the prosperity of the State also. You are levying income, tax sales tax, etc., on them. But still you want to harrass them. You are going on, amending the procedure. At every session you are moving amendments. How can these dealers adjust their conditions every time amendment is made to the Act? Inspite of these you will not be able to get these lakhs of rupees refunded. Attempt has been made to substitute rule 38 (2) by Section 25 (a). But here there is a vast disparity between the provisions contained in Section 38 (2) and Section 25 (a). This is about the rectification of the assessment. Rectification of mistake appearing in the records could be made within the period specified. So far as the assessment is concerned, the officer has to revise or rectify the assessment according to the amendment that has been brought forth. This is not warranted. The period of 5 years given in the Act has been stretched. In the Ordinance it is stated that within 5 years from the date of order or within six months from the date of Ordinance the rectification should be made. But the Bill is different. Even the assessment passed 15 years ago could be revised now according to this amendment. Where is the safety for the dealer? How could he adjust his liabilities and business if there is no certainty at all? This amendment will not at all be helpful in any way to the Dealer. You will be getting back the money incurring the displeasure of the dealer. Therefore, I oppose this amendment Bill.

SRI RAMAKRISHNA HEGDE.—I am greatly surprised with the criticisms made by some of the Hon. Members. They have also said something which is directly not connected with this Bill. The Government have no business to refund the money if the Court directs that we should not refund. There was no opinion to Government except to refund the amount collected from the Merchants and Commission Agents. I am also surprised that certain basic points in regard to the validity of this are sought to be raised. May I remind the House that in the last session, a similar amendment was approved by the same House and none of these criticisms were voiced at that time. Hon. Member Sri Aithala referred to the amendment of Section 8 (a). As far as I know that amendment is not necessary to enable the Government to collect the money that has been refunded to the Merchants and Commission Agents. I would like to submit to this House that this is only a procedural amendment to safeguard the interest of the work of the Department. On examination a mistake has been found and this has to be rectified. Hence this amendment. The House may kindly approve it.

MR. SPEAKER.—I shall put the statutory resolution to the vote of the House. The question is:

"This Assembly disapproves Ordinance No. 2 of 1970 'The Mysore Sales Tax (Amendment) Ordinance, 1970' promulgated by the Govenor of Mysore on 9th June, 1970."

The Resolution was negatived.

(MR. SPEAKER)

Now, I shall put the consideration motion to the House. The question is :

"That the Mysore Sales Tax (Second Amendment) Bill, 1970 be taken into consideration".

The motion was adopted.

CLAUSE 2

MR. SPEAKER.—Now, I shall put clauses to the vote of the House. The question is :

"That clause 2 do stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill :

CLAUSE 3

MR. SPEAKER.—The question is :

"That clause 3 do stand part of the Bill".

There is an amendment tabled by hon. Member Sri M. Nagappa to clause 3. The hon. Member may move the amend uent.

SRI M. NAGAPPA.—I beg to move :

"That at page 3, the following second proviso shall be added after the first proviso to the proposed sub-section (6A) of section 22 of the principal Act :

"Provided further that the Appellate Tribunal shall not amend any order validly passed by it, under sub-section (4) or sub-section (6), with a view to rectifying any mistake apparent from the record, due to retrospective commencement of the provisions enacted subsequently."

MR. SPEAKER.—Amendment moved :

"That at page 3, the following second priviso shall be added after the first proviso to the proposed sub-section (6A) of Section 22 of the Principal Act ;

"provided further that the Appellate Tribunal shall not amend any order validly passed by it, under sub-section (4) or sub-section (6), with a view to rectifying any mistake apparent from tbe record, due to retrospective commencement of the provisions enacted subsequently".

† Sri M. NAGAPPA.—Sir, I only want to say that any orders that have been passed according to the existing Act should not be amended due to the retrospective operation of the present amendment Act.

† Sri RAMAKRISHNA HEGDE.—I am sorry, I am unable to accept this amendment because it will go against the very purpose of bringing this amandment. It is not the question of setting aside or interfering with any order validly passed. An order might have been validly passed, but even such an order may contain certain clerical or other mistakes, and unless there is a provision such mistakes could not be rectified. Therefore, if I accept the amendment of the hon. Member the very purpose of bringing this amendment would be defeated.

Mr. SPEAKER.—Now, I shall put the amendment to the vote of the House. The question is :

"That at page 3, the following second proviso shall be added after the first proviso to the proposed sub-section (6A) of Section 22 of the Principal Act :

'Provided further that the Appellate Tribunal shall not amend any order validly passed by it under sub-section (4) or sub-section (6), with a view to rectifying any mistake apparent from the record, due to retrospective commencement of the provisions enacted subsequently.'"

The amendment was negatived.

Mr. SPEAKER.—Now, I shall put clause 3 to the vote of the House. The question is :

"That clause 3 do stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

CLAUSE 4

Mr. SPEAKER.—The motion is :

"That clause 4 do stand part of the Bill."

There is an amendment to clause 4 by hon. Member Sri M. Nagappa. The amendment be moved.

Sri M. NAGAPPA.—I move :

"That at page 4, the following second proviso shall be added after the first proviso to the proposed sub-section 7 (A) of Section 23 of the Principal Act :

'Provided further that the High Court shall not amend any order validly passed by it under sub-section (4) with a view to

(SRI M. NAGAPPA)

rectifying any mistake apparent from the record, due to retrospective commencement of the provisions enacted subsequently."

MR. SPEAKER.—Amendment moved :

"That at page 4, the following second provise shall be added after the first proviso to the proposed sub-section 7(A) of Section 23 of the Principal Act :

'Provided further that the High Court shall not amend any order validly passed by it under sub-section (4) with a view to rectifying any mistake apparent from the record, due to retrospective commencement of the provisions enacted subsequently."

SRI RAMAKRISHNA HEGDE.—Sir, I cannot accept this amendment also because it defeats the very purpose of bringing this amendment.

MR. SPEAKER.—Now, I shall put the amendment to the vote of the House. The question is :

"That at page 4, the following second proviso shall be added after the first proviso to the proposed sub-section 7(A) of section 23 of the Principal Act :

'Provided further that the High Court shall not amend any order validly passed by it under sub-section (4) with a view to rectifying any mistake apparent from the record, due to retrospective commencement of the provisions enacted subsequently."

The amendment was negatived.

MR. SPEAKER.—I shall put clause 4 to the vote of the House. The question is :

"That clause 4 do stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

CLAUSE 5

MR. SPEAKER.—The motion is :

"That clause 5 do stand part of the Bill."

There are amendments moved by hon. Members Sri P. V. Aithal and Sri M. Nagappa to clause 5.

The Hon. Member Sri Aithal is not present, I call upon hon. Member Sri M. Nagappa to move his amendments.

SRI M. NAGAPPA.—Sir, I beg to move :

"That the following second proviso shall be added after the first proviso to the proposed new Section 25A :

'Provided further that the assessing authority, appellate authority or revising authority, shall not amend any order validly passed, with a view to rectifying any mistake apparent from the record, due to retrospective commencement of the provisions enacted subsequently'."

"That the proposed sub-section (2) of Section 25A shall be deleted."

"That the proposed sub-section (3) of Section 25A shall be deleted."

MR. SAEAKER.—Amendment moved :

"That the following second proviso shall be added after the first proviso to the proposed new Section 25A :

'Provided further that the assessing authority, appellate authority or revising authority, shall not amended any order validly passed, with a view to rectifying any mstake apparent from the record, due to retrospective commencement of the provisions enacted subsequently'."

"That the proposed sub-section (2) of section 25A shall be deleted."

"That the proposed sub-section (3) of Section 25A shall be deleted."

SRI RAMAKRISHNA HEGDE.—I do not accept these amendments.

MR. SPEAKER.—I shall put the amendments to the vote of the House. The question is :

"That the following second proviso shall be added after the first proviso to the proposed new Section 25A :

'Provided further that the assessing authority, appellate authority or revising authority, shall not amend any order validly passed, with a view to rectifying any mistake apparent from the record, due to retrospective commencement of the provisions enacted subsequently'."

"That the proposed sub-section (2) of section 25A shall be deleted."

"That the proposed sub-section (3) of Section 25A shall be deleted."

The amendments were negatived

The question is :

"That clause 5 do stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

CLAUSES 6 AND 7

Mr. SPEAKER.—Now, I shall put clauses 6 and 7 to the vote of the House. The question is :

"That clauses 6 and 7 do stand part of the Bill."

The motion was adopted.

Clauses 6 and 7 were added to the Bill.

CLAUSE 8

Mr. SPEAKER.—There is an amendment to clause 8, by hon. Member Sri P. V. Aithal. Since the hon. Memder is not present, I shall put the clause 8 to the vote of the House. The question is :

"That Clause 8 do stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

CLAUSE 9

Mr. SPEAKER.—The question is :

"That clause 9 do stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

CLAUSE 1, ETC.

Mr. SPEAKER.—The question is :

"That clause 1, the long title and the Enacting Formula do stand part of the Bill."

The motion was adopted.

Clause 1, long Title and the Enacting Formula were added to the Bill.

Motion to Pass.

Sri RAMAKRISHNA HEGDE.—I beg to move :

"That the Mysore Sales Tax (Second Amendment) Bill, 1970, be passed."

Mr. SPEAKER.—The question is :

"That the Mysore Sales Tax (Second Amendment) Bill, 1970, be passed."

The motion was adopted.

The Mysore Rent Control (Amendment) Bill, 1970.

(*Motion to Consider*)

Mr. SPEAKER.—Now, we shall take up the next Bill. Hon. Minister for Revenue to move it.

Sri H. V. KOUJALGI (Minister for Revenue).—Sir, I beg to move :

"That the Mysore Rent Control (Amendment) Bill, 1970, be taken into consideration."

Mr. SPEAKER.—Motion moved :

"That the Mysore Rent Control (Amendment) Bill, 1970, be taken into consideration."

†Sri H. V. KOUJALGI.—Sir, the present Act expires on 31st of December 1970 and it was found necessary to extent the life of this Act for a further period of five years. This Bill is in the interest of the tenants and it has been in force in many parts of the State. I request that the Bill be passed.

†ಶ್ರೀ ಎಂ. ನಾಗಪ್ಪ.—ಈ ಬಿಲ್ಲನ್ನು ನಾನು ಸ್ವಾಗತಿಸುತ್ತೇನೆ. ಆದರೆ ಈ ಬಿಲ್ಲಿನ ಅವಧಿಯನ್ನು 5 ವರ್ಷಕ್ಕೆ ಎಂದು ತರುವ ಬದಲು 10 ವರ್ಷಕ್ಕೆ ತಂದರೆ ಒಳ್ಳೆಯದು ಎಂದು ಕಾಣುತ್ತದೆ. ಏತಕ್ಕೆಂದರೆ ಸರ್ಕಾರದವರಿಗೆ ಈ ಮನೆಗಳ ತೊಂದರೆ ಏನು ಎಂಬುದು ಗೊತ್ತಿದೆ. ಅದಕ್ಕಾಗಿ ನಾನು ಮಾನ್ಯ ಮಂತ್ರಿಗಳನ್ನು ಕೇಳುವುದು 5 ವರ್ಷದಲ್ಲಿ ಮನೆಗಳ ಪ್ರಾಬ್ಲೆಮ್ಸ್ ಸಾಲ್ವ್ ಮಾಡುತ್ತೇನೆಂದು ಅಷ್ಯೂರೆನ್ಸ್ ಕೊಟ್ಟರೆ ನಮಗೇನೂ ಅಭ್ಯಂತರವಿಲ್ಲ. ಈಗ ಲೇಬರಲ್ ಕ್ಲಾಸ್ ಇದೆ, ಗೌರ್ನಮೆಂಟ್ ಸರ್ವೆಂಟ್ಸ್ ಇದ್ದಾರೆ, ಅನೇಕ ಫ್ಯಾಕ್ಟರಿಗಳಲ್ಲಿ, ಫರ್ಮ್‌ಗಳಲ್ಲಿ ಕೆಲಸ ಮಾಡತಕ್ಕ ಜನರು ಇದ್ದಾರೆ. ಅವರಿಗೆಲ್ಲಾ ಪ್ರೊವೈಡ್ ಮಾಡಿ ಹೌಸಿಂಗ್ ಪ್ರಾಬ್ಲೆಮ್ಸ್‌ನ್ನು 5 ವರ್ಷದಲ್ಲಿ ಸಾಲ್ವ್ ಮಾಡುತ್ತೇನೆಂದು ಅಷ್ಯೂರೆನ್ಸ್ ಕೊಟ್ಟರೆ ಇದನ್ನು ಸ್ವಾಗತಿಸುತ್ತೇನೆ. ಆದುದರಿಂದ ತಾವು 5 ವರ್ಷದಿಂದ 10 ವರ್ಷದವರೆಗೆ ಎಕ್ಸ್‌ಟೆಂಡ್ ಮಾಡಬೇಕು ಎಂದು ನಾನು ತಮ್ಮನ್ನು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

†Sri H. V. KOUJALGI.—Sir, of course, the object of the Government is to see that this housing problem is solved as early as possible. The Hon. House also knows that so many activities on behalf of the

(SRI H. V. KOUJALGI)

Government are going on and also that the Rent Control Act is not made applicable to the persons who construct new houses. There is a suggestion that the life of this Act should be extended for a period of ten years. Government, however, thinks that in the meanwhile this problem could be solved. I therefore request the House to accept the Bill as it is. Of course, Government is trying its best to see that this problem is solved and the object of the Government is to give relief to all tenants.

MR. SPEAKER.—The question is:

"That the Mysore Rent Control (Amendment) Bill, 1970 be taken into consideration."

The motion was adopted.

CLAUSE 2

SRI M. NAGAPPA.—I do not want to press my amendment, Sir.

MR. SPEAKER.—The question is:

"That clause 2 do stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

MR. SPEAKER.—The question is:

"That clause 1, the long Title and the Enacting formula do stand part of the Bill."

The motion was adopted.

Clause 1, the long Title and the Enacting formula were added to the Bill.

Motion to pass.

SRI H. V. KOUJALGI.—Sir, I beg to move:

"That the Mysore Rent Control (Amendment) Bill, 1970, be passed."

MR. SPEAKER. The question is:

"That the Mysore Rent Control (Amendment) Bill, 1970, be, passed."

The motion was adopted.

MR. SPEAKER.—The business before the House is over.

Business of the House

ಶ್ರೀ ಎಸ್. ಎಂ. ಗುರೆಡ್ಡಿ.—ಸ್ವಾಮಿ, ಅಸೆಂಬ್ಲಿ 5ನೇ ತಾರೀಖು ಪುನಃ ಕರೆಯಬೇಕೆಂದು ಮಾಡಿದ್ದೀರಿ. ನಮ್ಮ ನಮ್ಮ ಊರಿಗೆ ಪುನಃ ಹೋಗಿ ಬರಲು ತುಂಬಾ ದೂರ ಇರುವುದರಿಂದ ಬಂದು ಸೇರಲು ತುಂಬಾ ಕಷ್ಟವಾಗುತ್ತದೆ. ಆದುದರಿಂದ ಇದನ್ನೇ ಕಂಟಿನ್ಯೂ ಮಾಡಿ 7ನೇ ತಾರೀಖು ಮುಗಿಸಬಹುದು. ಇಲ್ಲದೇ ಹೋದರೆ 12-13 ನೇ ತಾರೀಖು ಇಟ್ಟರೂ ಸರಿಯೆಂದು ನನಗೆ ಅನಿಸುತ್ತದೆ.

ಶ್ರೀ ಬಿ. ಭಾಸ್ಕರಶೆಟ್ಟಿ.—ಸ್ವಾಮಿ, ಬಿಜಾಪುರ, ರಾಯಚೂರು ಮೊದಲಾದ ದೂರ ಪ್ರದೇಶಗಳಿಗೆ ಹೋಗಿ ಬರಲು ತೊಂದರೆ ಆಗುವುದರಿಂದ ಈ ಅಸೆಂಬ್ಲಿಯನ್ನು 12 ನೇ ತಾರೀಖು ಪ್ರಾರಂಭ ಮಾಡಿದರೆ ಉತ್ತಮ ಎಂದು ಮಾನ್ಯ ಮಂತ್ರಿಗಳಿಗೆ ಹೇಳುತ್ತೇನೆ.

SRI D. B. KALMANKAR.—We may meet on the 5th of October or after 20th of October.

SRI B. RACHIAH.—I think we may meet on the 12th of October.

MR. SPEAKER.—There seems to be consensus of opinion in favour of meeting on the 12th of October. So, we shall meet on the 12th of October. The House will now adjourn and meet at 1 P. M. on the 12th of October.

The House adjourned at One of the Clock to meet again at One of the Clock on Monday, the 12th October 1970.

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